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NOTICE OF MOVE OF OFFICES

Please note that, effective January 25, 1994, the Administrative Code Division of the Secretary of State's Index Department has moved to the Index Department Building at 111 East Monroe Street, Springfield, Illinois, 62756. (Telephone 217-782-7017)

ILLINOIS REGISTER

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

1) HEADING OF THE PART: Commercial Fishing and Musseling in Certain Waters of the State

2) CODE CITATION: 17 Ill. Adm. Code 830

3) SECTION NUMBERS: PROPOSED ACTION:

830.20 Amendments
830.40 Amendments
830.60 Amendments

4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1-60, 1-65, 1-120, 10-120, 15-35, 15-40, 20-35, and 25-5 of the Fish and Aquatic Life Code (Ill. Rev. Stat. 1991, ch. 56, pars. 1-60, 1-65, 1-120, 10-120, 15-35, 15-40, 20-35 and 25-5) [515 ILCS 5/1-60, 1-65, 1-120, 10-120, 15-35, 15-40, 20-35, 25-5].

5) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUES INVOLVED: These amendments will remove the Illinois River and its backwaters from the list of waters open to the commercial harvest of mussels.

The zebra mussel population has exploded this past summer in the Illinois River and native mussels are under severe stress because of this expansion. It is important to leave as many live, reproductive adults in the native mussel populations as possible. Zebra mussels have already proven to be deadly to native mussels in other locations. The Western Basin of Lake Erie historically contained 12 species of native mussels. Following zebra mussel invasion, all 12 species were extirpated. The U.S. Fish and Wildlife Service is estimating that 20 species of native mussels will become extinct due to zebra mussel infestation. In the Illinois River zebra mussels have already infested between 88% and 100% of the native mussels depending on location. Emergency closure is needed to protect those mussels able to withstand or avoid zebra mussel infestation.

6) WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT? Yes

Section Numbers	Proposed Action	Illinois Register Citation
830.20	Amendments	18 Ill. Reg. 4671, 3/14/94
830.40	Amendments	18 Ill. Reg. 4671, 3/14/94
830.60	Amendments	18 Ill. Reg. 4671, 3/14/94

7) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

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8) DO THESE PROPOSED AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No

9) ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART? Yes

10) STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no impact on local governments.

11) TIME, PLACE AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING: Comments on the proposed rule may be submitted in writing for a period of 30 days following publication of this notice to:

Jack Price
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

12) INITIAL REGULATORY FLEXIBILITY ANALYSIS:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: March 28, 1994

B) Types of small businesses affected: Persons licensed by the Department of Conservation to harvest mussels from certain waters of the State open to commercial harvest. A total of 278 resident musselers and 8 resident mussel shell buyers will be affected.

C) Reporting, bookkeeping or other procedures required for compliance: Mussel harvests are monitored by requiring mussel shell buyers to submit annual reports specifying the weight and price paid for each mussel species purchased by river. These reports are necessary to monitor the removal of fish and mussel species from waters of the State open to commercial harvest.

D) Types of professional skills necessary for compliance: No professional skills are required.

THE FULL TEXT OF THE PROPOSED AMENDMENTS BEGINS ON THE NEXT PAGE:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 830

COMMERCIAL FISHING AND MUSSELING IN CERTAIN WATERS OF THE STATE

Section	Definitions
830.05	Waters Open to Commercial Harvest of Fish
830.10	Waters Open to Commercial Harvest of Mussels and seasons
830.20	Special Regulations
830.30	Devices
830.40	Permission
830.50	Species
830.60	Size Limit
830.70	Commercial Fishing and Musseling in Additional Waters
830.80	Revocation and Suspension of Commercial Fishing and Musseling Privileges, Hearings and Appeals and Reporting Requirements
830.90	

AUTHORITY: Implementing and authorized by Sections 1-60, 1-65, 1-120, 10-120, 15-35, 15-40, 20-35, and 25-5 of the Fish and Aquatic Life Code (Ill. Rev. Stat. 1991, ch. 56, pars. 1-60, 1-65, 1-120, 10-120, 15-35, 15-40, 20-35 and 25-5) [515 ILCS 5/1-60, 1-65, 1-120, 10-120, 15-35, 15-40, 20-35, 25-5].

SOURCE: Adopted at 5 Ill. Reg. 6809, effective June 16, 1981; codified at 5 Ill. Reg. 10648; emergency amendment at 6 Ill. Reg. 6468, effective May 18, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 10680, effective August 20, 1982; amended at 7 Ill. Reg. 2707, effective March 2, 1983; amended at 10 Ill. Reg. 6926, effective April 15, 1986; amended at 11 Ill. Reg. 9513, effective May 5, 1987; amended at 12 Ill. Reg. 11714, effective June 30, 1988; amended at 15 Ill. Reg. 8544, effective May 24, 1991; amended at 16 Ill. Reg. 5257, effective March 20, 1992; amended at 17 Ill. Reg. 3177, effective March 2, 1993; emergency amendments at 18 Ill. Reg. 4671, effective March 14, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. _____, effective _____.

Section 830.20 Waters Open to Commercial Harvest of Mussels and Seasons

a) ~~Mississippi River and backwaters, April 15 to August 31 inclusive, except for the following areas:~~

~~1) All of the area directly above Lock and Dam 12 (RM 556.7) from the center of the navigation channel~~

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east to the Illinois shoreline and northward to a line extending from RM 558.4 to the Blanding's Landing boat ramp, including but not limited to all of the area contained within the designated U.S. Military Reservation area.

2) ~~b)~~ All of the waters contained within Sylvan Slough from the Interstate 74 highway bridge (RM 485.8) west to the lower tip of Arsenal Island (RM 482.6).

3) ~~c)~~ All of the area north of and perpendicular to the center line of the navigation channel to the Illinois shoreline lying between RM 433.0 (New Boston Boat Launching Ramp) to RM 433.8 (lower tip of the first upstream island along the Illinois shoreline).

4) ~~d)~~ Pontoosuc Bay contained within and described as that area from the center of the main navigation channel and perpendicular to the Illinois shoreline located between RM 388.0 (Pontoosuc light and daymark) and RM 390.2 (Dallas City boat access area).

5) ~~e)~~ All of the area southward of the center of the navigation channel and perpendicular to the Illinois shoreline on a line from the Des Moines River daymark (Iowa side) and the Des Moines River lighted buoy (Illinois side), both of which are at RM 361.7, to Lock and Dam 19 (RM 364.5) including any slough channels of the Mud Island area along the Illinois side.

6) ~~f)~~ All of the area east of the center of navigation channel and perpendicular to the Illinois shoreline between RM 314.0 (Whitney light and daymark) and RM 316.0 (Hadley Island Goale light and daymark).

7) ~~g)~~ All of the area east of the center of navigation channel and perpendicular to the Illinois shoreline between River Mile 238.4 (Hasting's Landing light and daymark) and River Mile 245.8 (Turner Landing light and daymark).

b) ~~Illinois River and backwaters, April 15 to August 31 inclusive~~

(Source: Amended at 18 Ill. Reg. _____, effective

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Section 830.40 Devices

a) Commercial fishing devices used in the aforementioned waters shall conform to all regulations as outlined in Article 15 of Chapter 56 of the Illinois Revised Statutes. Hoop nets, basket traps, trot lines and dip nets may be used in all of the aforementioned waters.

b) It shall be unlawful:

1) To use trammel nets and gill nets except in the Illinois River up to Route 89 Highway bridge and the Mississippi River.

2) To use seines except in the Illinois, Mississippi and Wabash Rivers.

c) Musseling devices used in waters open to commercial musseling shall conform to all regulations as outlined below and in Articles 1 and 15 of Chapter 56 of the Illinois Revised Statutes. Handpicking-and, crowfoot bars and hand forks may be used in all waters listed in Section 830.20 above.

d) It shall be unlawful to use hand forks except in the Illinois and Mississippi Rivers Mississippi River.

Hand fork - mussel harvesting device similar in appearance to a common cornfork and is utilized while wading.

e) It shall be unlawful to use basket dredges, mechanical devices and hand dredges in the taking of mussels.

1) Basket dredge - mussel harvesting device consisting of a heavy metal box or square which collects the shells in a net or wire cage, weighs over 70 pounds, and is not operated by hand as described in Section 830.40 (e)(3).

2) Mechanical devices - refers to dredges and suction devices operated by motorized (internal combustion or electrical) power used in the actual harvest of mussels and does not refer to the manner in which the mussel harvest device is raised into the boat or the device used in propelling the boat.

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3) Hand dredge (hand rake, hand powered rake) - mussel harvesting device weighing less than 70 pounds consisting of a metal frame having coarse teeth on the bottom to which a bag constructed of wire mesh or netting material is attached and fastened by a line to a boom attached to the bow of the boat and held on the bottom by means of a long handle.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 830.60 Species

a) The following species of fish may be taken by licensed commercial fishermen:

- 1) Carp
- 2) Buffalo
- 3) Freshwater drum
- 4) Catfishes (includes bullheads)
- 5) Paddlefish
- 6) Carpsuckers
- 7) Suckers
- 8) Redhorses
- 9) Goldeye and Mooneye
- 10) Gar (except alligator gar)
- 11) Bowfin
- 12) American eel
- 13) Shovelnose sturgeon
- 14) Gizzard shad
- 15) White amur (grass carp)
- 16) Minnows

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- 17) Goldfish
- 18) Bighead Carp and Silver Carp
- b) The following species of mussels may be taken by licensed commercial musselers:
- 1) Washboard (*Megalanaia nervosa*)
 - 2) Threeridge (*Amblema plicata*)
 - 3) Buckhorn or Pistol Grip (*Tritogonia verrucosa*); may not be taken from the Mississippi and Illinois Rivers
 - 4) Mapleleaf (*Quadrula quadrula*)
 - 5) Pimpleback (*Quadrula pustulosa*)
 - 6) Monkeyface (*Quadrula metanevra*)
 - 7) Wartyback (*Quadrula nodulata*)
 - 8) Pigtoe (*Fusconaia flava* undata)
 - 9) Mucket (*Actinonaias ligamentina*); may not be taken from the Mississippi and Illinois Rivers
 - 10) ~~Ohio River Pigtoe (*Pleurobema cordatum*)~~
 - 11) ~~Hickory Nut (*Obovaria olivaria*)~~
 - 12) ~~Pink Heelsplitter (*Potamilus alatus*)~~
 - 13) ~~Wabash River Pig-toe (*Fusconaia flava* forma *flava*)~~
 - 14) ~~Pocketbook (*Lampsilis ovata*)~~
 - 15) ~~Black Sandshell (*Ligumia recta*)~~
- (Source: Amended at 18 Ill. Reg. _____, effective _____)

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- 1) HEADING OF THE PART: Illinois Snowmobile Grant Program
- 2) CODE CITATION: 17 Ill. Adm. Code 3010
- 3) SECTION NUMBERS: PROPOSED ACTION:
 3010.30 Amendments
 3010.40 Amendments
 3010.70 Amendments
 3010.80 Amendments
- 4) STATUTORY AUTHORITY: Implementing and authorized by Sections 8-1 and 9-1 of the Snowmobile Registration and Safety Act (Ill. Rev. Stat. 1991, ch. 95 1/2, pars. 608-1 and 609-1) [625 ILCS 40/8-1 and 9-1].
- 5) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUES INVOLVED:
 Funding assistance is being revised from current 50/50 cost-sharing basis to "up to 100%" funding on qualifying construction projects and "up to 90%" on qualifying ROW acquisition projects. Also reduces DOC's post-completion compliance monitoring responsibilities on construction projects from perpetuity to a maximum 20 year period.
- 6) WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT? No
- 7) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No
- 8) DO THESE PROPOSED AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No
- 9) ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART? No
- 10) STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no impact on local governments.
- 11) TIME, PLACE AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING: Comments on the proposed rule may be submitted in writing for a period of 30 days following publication of this notice to:

Jack Price
 Department of Conservation
 524 S. Second Street, Room 485
 Springfield, IL 62701-1787

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- 12) INITIAL REGULATORY FLEXIBILITY ANALYSIS: This rule does not affect small businesses

THE FULL TEXT OF THE PROPOSED AMENDMENTS BEGINS ON THE NEXT PAGE.

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TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER g: GRANTS

PART 3010

ILLINOIS SNOWMOBILE GRANT PROGRAM

Section
3010.10
3010.20
3010.30
3010.40
3010.50
3010.60
3010.70
3010.80

Program Objectives
Eligibility Requirements
Assistance Formula
General Procedures for Grant Applications and Awards
Eligible Project Costs
Project Evaluation Priorities
Project Compliance Requirements
Program Information Contact

AUTHORITY: Implementing and authorized by Sections 8-1 and 9-1 of the Snowmobile Registration and Safety Act (Ill. Rev. Stat. 1989-1991, ch. 95 1/2, pars. 608-1 and 609-1) 1625 ILCS 40/8-1 and 9-11.

SOURCE: Adopted and codified at 5 Ill. Reg. 13440, effective November 20, 1981, amended at 7 Ill. Reg. 14953, effective November 1, 1983; amended at 16 Ill. Reg. 1806, effective January 17, 1992; amended at 18 Ill. Reg. _____, effective _____.

Section 3010.30 Assistance Formula

~~The grant program shall operate on a 50% reimbursement basis of total approved project costs, with the exception of costs for snowmobile signs which are reimbursed at 100%. Funding assistance up to 100% of eligible construction costs and 90% of eligible land acquisition costs for approved projects can be received through the program.~~

(Source: Amended at 18 Ill. Reg. _____, effective _____).

Section 3010.40 General Procedures for Grant Applications and Awards

- a) Grant applications for funding assistance under the program must be submitted to the Department ~~no later than March 1 of each calendar year.~~ The application deadline will be publicly announced by the Department. Necessary application forms and instructions are available through

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the Department. Awarding of grants will be made under the authority and directive of the Director of the Department of Conservation. The number of grants awarded each calendar year is limited to the total amount of funds available for the program in the given fiscal year.

b) Only project costs incurred by the local project sponsors after Department of Conservation grant approval are eligible for funding assistance. Any costs incurred prior to Department approval are ineligible for snowmobile grant assistance.

c) Project grant applications shall consist of the following basic components:

- 1) Acquisition Project
 - A) completed application forms;
 - B) parcel tabulation which lists an identification number, acreage size, estimated purchase price, and any existing property improvements for each parcel to be acquired;
 - C) project narrative statement describing the project concept, location, need for and objectives of the project, anticipated benefits and method of financing or accomplishing the project;
 - D) commitment for Title Insurance;
 - E) project location map;
 - F) future site development plan;
 - G) environmental assessment statement;
 - H) minutes and written comments received from required Public Hearing (Section 3010.70 (d));
 - I) project appraiser qualification statement; and
 - J) letters of project support from local snowmobile clubs.

2) Development Project

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- A) completed application forms;
- B) itemized development cost estimates for each project component;
- C) project narrative statement (same as above);
- D) copy of deed, lease or easement for property to be developed;
- E) project location map;
- F) site development plan;
- G) environmental assessment statement;
- H) minutes and written comments received from required Public Hearing (Section 3010.70 (d));
- I) necessary state/local construction permits, if applicable;
- J) name of project engineer/architect; and
- K) letters of project support from local snowmobile clubs.

d) A project application packet may be obtained from the Division of Technical Services Grant Administration, Illinois Department of Conservation. (See Section 3010.80.)

(Source: Amended at 18 Ill. Reg. _____, effective _____).

Section 3010.70 Program Compliance Requirements

- a) Any property acquired or developed through assistance from the Illinois Snowmobile Grant Program must be open to the general public for snowmobile use during periods of specified snow conditions as agreed upon by the Department and local sponsoring agency project sponsor. Property acquired or developed with program assistance may not be converted from snowmobile use without prior Department approval. Approval for property conversion will only be granted upon the project local project sponsor substituting replacement property equal in fair market value and comparable in snowmobiling usefulness,

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quality and location, except for project areas receiving development grant assistance only, whereby this requirement shall no longer apply after the time period specified below relative to the amount of grant funds received toward the facility.

Grant Amount Received	Time Period After Project Completion and Receipt of Final Grant Payment
\$0 - \$10,000	5 years
every \$10,000 increment over \$10,000	add one year

b) The local ~~sponsoring agency~~ project sponsor must certify in a written affidavit that it possesses the funding capability to initially finance the total amount of project costs.

c) The local ~~sponsoring agency~~ project sponsor must certify in a written affidavit and supply supporting documentation that adequate snow cover (a minimum of 4 inches) is, in fact, a normal climatic condition for the project area for a minimum of 14 days from November 1 through March 31.

d) For all projects, except those projects which involve only equipment purchase, the local project sponsor must hold a public hearing to discuss the project and provide the Department with a synopsis of the hearing, as well as any written comments received at the hearing. The meeting must be advertised in at least one local newspaper one to two weeks prior to the meeting.

e) For projects requesting development assistance, the ~~sponsoring agency~~ local project sponsor must have either fee simple title to the land being developed or a perpetual lease or easement arrangement commensurate with the conversion amortization schedule established for development grant projects (see subsection 3010.70(a)).

f) For projects receiving acquisition assistance, an appraisal must be completed by the ~~sponsoring agency~~ local project sponsor and certified by the Department. The appraisal must be completed to Departmental specifications. Title to any property for which grant reimbursement is sought can not be taken by the

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~~sponsoring agency~~ local project sponsor before Departmental approval is received.

g) For projects receiving development assistance, the ~~sponsoring agency~~ local project sponsor must present to the Department, for review, all working plans, specifications, contract documents and cost estimates prior to commencing work. The format for any advertisement or prospectus soliciting and inviting bids, indicating dates of same, must also be presented to the Department for review prior to publication. The Department will notify the local project sponsor if the proposed project requires approval from a registered structural engineer.

h) The local ~~sponsoring agency~~ project sponsor is required to enter into a standard State contract agreement with the Department for an amount agreed upon as necessary to complete the approved project and which specifies the related grant reimbursement amount and approved project elements.

i) Upon project completion, the local project sponsor must submit a certified project expenditure statement listing all funds expended on the project for which grant reimbursement is sought as well as required billing documentation.

1) ACQUISITION PROJECT: copy of the signed Statement of Just Compensation/Offer to Purchase Form, Warranty Deed (Judgement Order in case of condemnation) for property, copy of cancelled check showing proof of payment to seller, and completed Billing Form which itemizes project costs and contains a certification statement verifying project expenditures.

2) DEVELOPMENT PROJECTS: Copy of As-Built drawings, copy of receipts/invoices for project costs, copy of cancelled checks showing proof of payment, and completed Billing Form which itemizes project costs and contains a certification statement verifying project expenditures.

j) Financial records on approved projects must be maintained and retained by the local project sponsor for possible State audit for a period of ~~three~~ five years after final reimbursement payment is made by the Department.

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1) If the local project sponsor receives more than \$25,000 in grant funds, the local project sponsor shall be responsible for having an annual financial and compliance audit. This audit should be conducted as a part of the local project sponsor's annual audit. If the local project sponsor is exempt from State and federal audit requirements, the local project sponsor must procure a special audit covering all funds expended under this program. In essence, one agency wide audit will meet audit requirements for State of Illinois grant participation. The audit must be conducted by an independent public accountant, certified and licensed by the State of Illinois.

2) The local project sponsor shall be responsible for procuring the required audits. Audit procurements shall be conducted in accordance with the local project sponsor's normal procurement rules. provided these rules promote open competitive procurements.

3) The local project sponsor shall provide the Department a copy of all annual audits for all fiscal years concurrent or contiguous to the approved grant period within 30 days of the completed audit, and shall be responsible for timely action in resolving any audit finding and/or questioned project costs. In the event that questioned costs are ultimately deemed disallowed, as determined by the Department, the local project sponsor shall be responsible for repayment of such costs.

k) The ~~sponsoring agency~~ local project sponsor must ~~permanently~~ post a Snowmobile Grant Program acknowledgement sign at the project site where grant assistance is involved. The required sign or specifications for its construction will be furnished by the Department.

l) The ~~sponsoring agency~~ local project sponsor shall insert as an integral part of any contract with the approved project bidder the following provisions:

1) That the contractor must abide by and comply with all applicable local and State laws relating to fair employment practices and prohibiting

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discrimination in employment contracts involving public funds, the construction or development of public buildings, works or facilities.

2) That the contractor must comply with and be bound by any applicable local and State laws in any manner pertaining or relating to wages and claims of laborers, mechanics and other workers, agents, or servants in any manner employed in connection with contracts involving public funds or the development or construction of public works, buildings or facilities.

3) That the contractor must abide by and comport with all applicable local and State laws relating or pertaining to the development and/or construction of public works, buildings, or facilities, including but not limited to, any and all applicable workmen's compensation acts or laws.

4) That the contractor shall provide and furnish to the satisfaction of the ~~sponsoring agency~~ local project sponsor and the Department good and sufficient performance bond(s) with adequate surety or sureties, with applicable penalty or loss clauses concerning or relating to the construction of the proposed facilities and any losses, cost or damages arising out of, or by virtue of, said construction by the contractor of the specified snowmobile facilities and which insures, benefits and protects the ~~sponsoring agency~~ local project sponsor and the Department.

5) That the contractor shall personally and individually agree and covenant, and shall furnish and provide sufficient evidence of insurance, to indemnify, protect, defend at its own cost, and hold harmless the ~~sponsoring agency~~ local project sponsor and the Department from and against all losses, damages, injuries, costs, expenses or claims thereof to or by persons or property arising out of, through, under or by virtue of the construction and development of the specified snowmobile facilities.

6) That the contractor certifies to the best of his knowledge that no officer or employee has been convicted of bribery or attempting to bribe an

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officer or employee of the State of Illinois, nor has any officer or employee made an admission of guilt of such conduct which is a matter of record. Contractor further certifies that it is not barred from bidding or entering into a contract involving State of Illinois assistance as a result of violations of Section 33E-3 or 33E-4 of the Criminal Code of 1961, regarding bid rigging or bid rotating.

m) It shall be understood by the local project sponsor that a Department representative will make periodic inspections of the project as construction progresses and be available for consultation or assistance at any reasonable time upon request. It is further agreed and understood by the local project sponsor that a final inspection and acceptance of the completed project must be made by a representative of the Department prior to acceptance and final payment of the grant reimbursement to the local sponsoring-agency project sponsor.

n) The Sponsoring-agency local project sponsor shall indemnify, protect, defend and hold harmless the Department from any and all liability, costs, damages, expenses, or claims thereof arising under, through or by virtue of the construction, operation and maintenance of Program-assisted snowmobile facilities.

o) In connection with and prior to the construction, and thereafter the subsequent operation and maintenance of Program assisted snowmobile facilities, it shall be understood that the local project sponsor is responsible for obtaining any and all necessary Permits, Licenses or Forms of Consent, as the case may be, from, but not limited to, the following:

- 1) Illinois Department of Transportation
- 2) Illinois Environmental Protection Agency
- 3) Illinois Historic Preservation Agency
- 4) Illinois Department of Conservation
- 4+5) Local Building or Zoning Agencies or Boards, where applicable.

In addition to the foregoing, the sponsoring-agency local

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project sponsor further agrees to comply with applicable provisions of the Recreational Area Licensing Act.

p) The sponsoring-agency local project sponsor must comply with and abide by the following Operation and Maintenance provisions:

1) The sponsoring-agency local project sponsor may enter into a contract or agreement with responsible concessionaires to operate and/or construct snowmobile rental facilities, for dispersing food to the public and/or any other services as may be desired by the public and the sponsoring-agency local project sponsor. Prior approval of the contract or agreement, and subsequent revisions thereof, shall be obtained from the Department. Any and all funds in excess of the costs of operation and maintenance of Program-assisted snowmobile facilities shall be used for the improvement of said facilities or similar public facilities in nearby areas.

2) The charging of fees for general public use of snowmobile facilities financed with funds from this grant program is strongly discouraged. However, if it is deemed necessary by the sponsoring-agency local project sponsor that fees must be levied for use of these facilities, the sponsoring-agency local project sponsor shall:

- A) Receive prior approval on an annual basis from the Department for scheduled fees to be charged;
- B) Clearly document that existing agency operation and maintenance budget is not sufficient to cover the added cost of properly operating and maintaining the project facility;
- C) Deposit all fees in a separate account to be used for maintenance of and improvement to the program-assisted facility only. This account must appear on the sponsoring-agency local project sponsor's appropriation ordinance each year; and
- D) On an annual basis, submit to the Department

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satisfactory statements of receipts and itemized expenditures from this fund.

- 3) All snowmobile facilities financed with funds from this grant program shall be continuously operated and maintained by the ~~sponsoring agency~~ local project sponsor at no cost to the Department and shall be operated and utilized in such a manner as to maximize the intended benefits to and for the general public.

- 4) The ~~sponsoring agency~~ local project sponsor shall satisfactorily maintain Program-assisted snowmobile facilities so as to promote the safe and enjoyable usage of the facility by the public.

- 5) The Department shall have access to Program-assisted facilities at all times for inspection purposes to ensure local project sponsor's continued compliance with program regulations.

- 6) All snowmobile facilities financed with funds from this grant program shall be open to the public for use and enjoyment without regard to race, color, sex, national origin, age or disability. No lessee or licensee of an area under a lease or license providing for a public or quasi-public use and no concessionaire of a lessee or licensee providing a service to the public, including facilities and accommodations, shall discriminate against any person or persons because of race, color, sex, national origin, age or disability in the conduct of its operation under the lease, license or concession agreement.

- 7) All sub-leases or licenses entered into by the ~~sponsoring agency~~ local project sponsor with third persons relating to accommodations or concessions to be provided for or at the snowmobile facility for the benefit of the general public shall be submitted to the Department for its approval prior to said sub-lease or license being entered into or granted by the ~~sponsoring agency~~ local project sponsor.

- 8) It shall be permissible for the ~~sponsoring agency~~ local project sponsor to close Fund-assisted

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snowmobile facilities during the following times:

- A) During and immediately following severe weather conditions when the safety of the recreating public may be jeopardized or debris deposited on the facility prohibit its proper use; removal of such debris shall be completed immediately or as soon as practical thereafter so public use of the facility may be effectively resumed.

- B) During periods of alternate freezing and thawing when anticipated public use could cause damage to the facility resource base or jeopardize the safety of the recreating public.

- C) At night to prevent vandalism if deemed necessary by the ~~sponsoring agency~~ local project sponsor.

During periods necessitating closure, the general public shall be appropriately informed by proper signs and through the news media. Other than as enumerated above, the ~~sponsoring agency~~ local project sponsor agrees that the facilities shall be open for and to public use throughout the year.

q) Conflict of Interests:

- 1) No official or employee of the local ~~political subdivision~~ project sponsor who is authorized in his official capacity to negotiate make, accept, or approve or to take part in such decisions regarding a contract or subcontract in connection with an approved Snowmobile grant project shall have any financial or other personal interest in any such contract or sub-contract.

- 2) No person performing services for the local ~~political subdivision~~ project sponsor in connection with an approved Snowmobile grant project shall have a financial or other personal interest other than his employment or retention by that local political subdivision, in any contract or subcontract in connection with an approved Snowmobile grant project. No officer or employee of such person retained by the local ~~political~~

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~~subdivision~~project sponsor shall have any financial or other personal interest in any real property acquired under an approved Snowmobile grant project unless such interest is openly disclosed upon the public records of the local ~~political subdivision~~project sponsor, and such officer, employee or person has not participated in the acquisition for or on behalf of the local ~~political subdivision~~project sponsor.

r) Program Violations and Project Termination

1) The State may unilaterally rescind project agreements at any time prior to the commencement of the project in the event that State funds are not appropriated for the grant program. After project commencement, agreements may be rescinded, modified, or amended only by mutual agreement with the local ~~political subdivision~~project sponsor. A project shall be deemed commenced when the local ~~political subdivision~~project sponsor makes any expenditure or incurs any obligation with respect to the project.

2) Failure by the local ~~sponsoring agency~~project sponsor to comply with any of the above cited program terms shall be cause for the suspension of all grant assistance obligations thereunder, unless, in the judgement of the Department, such failure was due to no fault of the local ~~sponsoring agency~~project sponsor.

3) Conversion of property acquired or developed with assistance from the Illinois Snowmobile Grant Program from public recreation and snowmobile use shall result in the local ~~sponsoring agency~~local project sponsor being held liable for replacing the converted property with comparable facilities as deemed acceptable by the Department. This requirement shall not apply to development grant project sites in which the amortization schedule specified for such projects in subsection 3010.70(a) has expired.

(Source: Amended at 18 Ill. Reg. _____, effective _____).

Section 3010.80 Program Information Contact

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Write:

Illinois Department of Conservation
Division of Technical ~~Services~~Grant
Administration
Lincoln Tower Plaza
524 South Second St.
Springfield, Illinois 62706-62701-1787
Telephone: 217/782-7481

(Source: Amended at 18 Ill. Reg. _____ effective _____)

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- 1) Heading of the Part: Hearings
- 2) Code Citation: 11 Ill. Adm. Code 1700
- 3) Section Numbers: Proposed Action:
- | | |
|----------|-------------|
| 1700.10 | Amendment |
| 1700.20 | Amendment |
| 1700.30 | Amendment |
| 1700.40 | Amendment |
| 1700.50 | Amendment |
| 1700.80 | Amendment |
| 1700.110 | Amendment |
| 1700.120 | Amendment |
| 1700.140 | Amendment |
| 1700.150 | Amendment |
| 1700.160 | Amendment |
| 1700.170 | Amendment |
| 1700.180 | Amendment |
| 1700.190 | Amendment |
| 1700.200 | New Section |
| 1700.210 | New Section |
- 4) Statutory Authority: Implementing Sections 7.1 and 7.3 and authorized by Section 7.1 of the Illinois Lottery Law (Ill. Rev. Stat. 1991, ch. 120, pars. 1157.1 and 1157.3) [20 ILCS 1605/7.1 and 7/3] and Executive Order 86-2, effective July 1, 1986.
- 5) A Complete Description of the Subjects and Issues Involved. The proposed amendments bring the Lottery's hearing rules into compliance with the Illinois Administrative Procedures Act by defining and prohibiting ex parte communication, establishing a procedure for hearing officer disqualification, and requiring hearing notices to comply with Section 10-25 thereof.
- The amendments additionally update statutory citations; extend the deadline for forwarding the record under Motions for Review from 75 to 85 days, in recognition of the mailing time associated with the briefing schedule; establish deadlines for submission of interrogatories during discovery and for submission of a hearing request where there is no opportunity for hearing prior to license suspension or revocation; clarify the procedure for appointment of hearing officers; limit the mandatory provision of hearing transcripts to cases where a motion for review has been filed, while providing for provision of transcripts upon request and for correction to such transcripts; authorize the Secretary of the Lottery Control Board to direct attendance at informal conferences for the purpose of achieving a settlement; recognize the U.S. Postal Service's differentiation between "undelivered" and "unclaimed" mail; and make various stylistic changes.
- 6) Will this proposed amendment replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this proposed amendment contain incorporations by reference? No.

- 9) Are there any other proposed amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives: This proposed amendment neither creates nor expands a state mandate as defined in Section 3(b) of the State Mandates Act (Ill. Rev. Stat. 1991, ch. 85, par. 2203) [30 ILCS 805/3].
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be directed to Lisa A. Crites, Rules Coordinator, Illinois Lottery, 201 East Madison, Springfield, IL 62702.
- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: These proposed amendments could affect those small businesses or not-for-profit corporations currently licensed as an Illinois Lottery agent, or those which may apply for such license.
- B) Reporting, bookkeeping or other procedures required for compliance: Should a lottery agent or applicant wish to avail itself of the voluntary hearing process, the agent or applicant would be required to submit requests for hearing or discovery within the time frames specified in the rules.
- C) Types of professional skills necessary for compliance: None.

The full text of the Proposed Amendments begins on the next page:

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TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE C: LOTTERY

CHAPTER 11: DEPARTMENT OF THE LOTTERY

PART 1700
HEARINGS

Section	General Explanation of Procedure
1700.10	Notice of Denial of Application
1700.20	Notice of Revocation or Suspension of License
1700.30	Notice of Refusal to Renew License
1700.40	Informal Conference
1700.50	Right to Legal Counsel
1700.60	Appearance of Attorney
1700.70	Service and Proof of Service
1700.80	Form of Papers
1700.90	Motions
1700.100	Continuances
1700.110	Discovery
1700.120	Subpoenas
1700.130	Witnesses
1700.140	Evidence at Hearings
1700.150	Court Reporter
1700.160	Corrections to Transcripts
1700.170	Findings, Conclusions and Recommendations
1700.180	Final Disposition by Director
1700.190	Disqualification of a Hearing Officer
1700.200	Ex Parte Communications
1700.210	

AUTHORITY: Implementing Sections 7.1 and 7.3, and authorized by Section 7.1 of the Illinois Lottery Law (Ill. Rev. Stat. 1985 1991, ch. 120, pars. 1157.1 and 1157.3) [20 ILCS 1605/7.1 and 7.3] and Executive Order 86-2, effective July 1, 1986.

SOURCE: Emergency rules adopted at 10 Ill. Reg. 12966, effective July 22, 1986, for a maximum of 150 days; Chapter and Part number corrected at 10 Ill. Reg. 19594, adopted at 11 Ill. Reg. 5993, effective March 20, 1987; amended at 18 Ill. Reg. _____, effective _____.

Editor's Notes: Prior to the adoption of this Part, the Department of the Lottery had hearing rules on file at 11 Ill. Adm. Code 1710, which were repealed on the same date this Part was adopted.

Section 1700.10 General Explanation of Procedure

- a) These rules shall apply to all hearings, except rulemaking hearings, conducted by the Department of the Lottery (Department), the Lottery Control Board (Board), or any hearing officer designated by the Board and appointed by the Director, under the authority of Section 7.3 of the Illinois Lottery Law (Ill. Rev. Stat. 1985 1991, ch. 120, par. 1157.3) [20 ILCS 1605/7.3].
- b) A person, whose license as a lottery sales agent has been non-renewed, suspended or revoked, or whose application for a lottery sales license has been denied, or who is otherwise seeking a hearing before the Department pursuant to Section 7.3 of the Illinois Lottery Law (Ill. Rev. Stat. 1985 1991, ch. 120, par. 1157.3), shall notify the Secretary of the Board of a request for a hearing, as

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provided by these rules. The Secretary shall, within 3 days of the receipt of such request, notify the Director, who shall assign or appoint a hearing officer to hear the action from among those hearing officers designated by the Board. Where the request for a hearing arises from the revocation of a license without prior notice and opportunity for a hearing, such hearing shall be held within 30 days after the revocation order has been issued. In all other requests for a hearing, the Department shall, within 14 days, schedule either an informal conference or a hearing, to be held not later than 45 days after the date of its scheduling. The Secretary shall, within 3 days of the receipt of such request, notify the Director, who shall assign or appoint a hearing officer to hear the action. Notice of any hearing scheduled by the Secretary shall be served upon the parties as provided in Section 1700.80 of this Part, and shall include the information required by Section 10-25 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1010-25) [5 ILCS 100/10-25]. The hearing officer shall, upon the close of all proofs in the hearing before him, file findings and recommendations with the Director as provided in Section 1700.180 of this Part, with a copy to be forwarded to each party to the action.

c) Any party may, within 20 days from the date such notice of the proposed findings and recommendations is received by certified mail (or returned as undelivered or unclaimed), file with the Secretary of the Board, in writing, a Motion for Review, with a copy to each party to the action. The party seeking the review shall then have 35 days from the date of the filing of the notice of the Motion for Review to file, with the Secretary, a brief as to the specific errors of the hearing officer as set forth in subsection (d) below, with a copy to each party. All other parties may file responsive briefs with the Secretary within 35 days of receipt of written notice from the Secretary that the brief supporting the Motion for Review has been filed. The Secretary shall transmit, within 75 85 days after receipt of the Motion for Review, the record of the action, including all documents, evidence, and transcripts submitted to or taken from the hearing, along with the Motion for Review and the briefs submitted by the parties, to the Board. The Board shall review the record of the case and shall make recommendations to the Director within 90 days of the date of receipt of the record of the case.

d) The Board shall review the record, in its entirety, to determine that the findings of fact by the hearing officer are not against the manifest weight of the evidence, the hearing officer has applied the law and regulations correctly, and that the conduct and procedures of the hearing did not prejudice any party.

e) The recommendation of the Board to the Director shall be transmitted by the Secretary to the parties to the action. Any party has a right to make a final appeal to the Director. A party may note exceptions to the recommendations of the Board, along with supporting briefs, within 14 days of the receipt of notice of the recommendations of the Board. The Director shall have 30 days to review the record of the case and the Board's recommendation. The Director shall then enter an order either adopting or not adopting the hearing officer's or Board's recommended decision of the matter. Such order shall be served pursuant to Section 1700.80 of this Part. Any party adversely affected by a final decision or order of the Director may obtain judicial review as provided by the Administrative Review Law, as amended (Ill. Rev. Stat. 1985 1991,

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ch. 110, par. 3-101 et seq.) [735 ILCS 5/3-101 et seq.]. Such petition for review must be filed within 35 days after the receipt of the order or decision by certified mail for which judicial review is sought.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 1700.20 Notice of Denial of Application

Within 180 days from the receipt of the application and fee, the Department shall, in writing, promptly notify the applicant for a license to act as a lottery sales agent for the State Lottery of the grant or denial of such license. The notice of such denial shall state the ground(s) serving as the basis for such denial. The notice must also inform the applicant of the right to a hearing on such denial. The applicant must file a written request with the Secretary for a hearing on such denial within 30 days of the date of the receipt by certified mail (or its return as undelivered or unclaimed) of the notice of the denial of the license application.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 1700.30 Notice of Revocation or Suspension of License

The Department shall notify the licensed sales agent of its determination to revoke or suspend such licensed sales agent's license and shall include in such notification the ground(s) serving as the basis for such revocation or suspension. The Department shall also inform the licensed sales agent of the right to a hearing on the issue of such revocation or suspension. The licensed sales agent must file a request for such hearing within 30 days of the date of the receipt by certified mail (or its return as undelivered or unclaimed) of the notice of the proposed Departmental action. Such request for a hearing must be filed with the Secretary. Where the license revocation or suspension is without prior notice and opportunity for hearing, the licensed sales agent must file a hearing request with the Secretary within 20 days of receipt of the revocation or suspension notice in order to permit scheduling of the hearing within the time period set forth in Section 1700.10 of this Part.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 1700.40 Notice of Refusal to Renew License

The Department shall notify the licensed sales agent of its determination not to renew such agent's license not less than 30 days prior to the expiration of such license. The notice shall state the ground(s) serving as the basis for the denial of renewal of the license. The notice must also inform the applicant of the right to a hearing on the issue of such denial to renew the license. The licensed sales agent must file a request for such hearing within 30 days of the date of the receipt by certified mail (or its return as undelivered or unclaimed) of the notice of the refusal to renew the license. Such request must be filed with the Secretary.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 1700.50 Informal Conference

- a) Upon written notice by the hearing officer in any proceeding, parties or their attorneys may be directed to appear at a specified date, time and place, mutually agreed upon by the parties, for a

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conference, whenever any of the purposes listed below would be effectuated, prior to the conclusion of the hearing, for the purpose of considering:

- 1) defining the legal and factual issues to be adjudicated at the administrative hearing;
 - 2) the necessity or desirability of amending the pleadings for the purpose of clarification, amplification or limitation with respect to matters alleged in any pleading;
 - 3) the possibility of making admissions or stipulations of fact to the end of avoiding the unnecessary introduction of evidence;
 - 4) the procedure at the hearing;
 - 5) the limitation of the number of witnesses;
 - 6) the propriety of prior mutual exchange between or among parties of prepared testimony or exhibits;
 - 7) such other matters as may aid in the simplification of the evidence and disposition of the proceeding; and
 - 8) to arrive at an equitable settlement of the issue to be ~~settled~~ adjudicated at the administrative hearing.
- b) Prior to issuing a Notice of Hearing, the Secretary of the Board may, by written notice, direct the parties or their attorneys to appear at a specified date, time and place, mutually agreed upon by the parties, for an informal conference for the purpose of arriving at an equitable settlement of the issue(s) to be adjudicated at the administrative hearing.
- b) c) If there is an informal conference where no settlement is reached, and the hearing date has not yet been set, a hearing date will be set at the informal conference by mutual agreement of the parties. The informal conference shall not be open to the public, nor shall it be on the record.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 1700.80 Service and Proof of Service

- a) All service shall be by certified mail. Service is deemed completed if returned undelivered or unclaimed, when mailed to the party's last known address, with proper postage prepaid.
- b) Complaints, petitions, applications, answers, interventions, petitions, amended or supplemental complaints and petitions and other pleadings, amendments or supplements to any pleadings, motions, affidavits in support of motions, or notices shall be served by the party filing same upon all parties to the proceeding. Proof of such service upon all parties shall be filed with the Secretary.
- c) Findings of fact and conclusions of law, briefs, motions for hearing or re-hearing, and notices of appeal shall be served by the Department, Board, or the party filing same upon each party to the proceeding, and a proof of service upon all parties shall be filed with the Secretary.
- d) When any party or parties have appeared by attorney, service upon the attorney shall be deemed service upon the party or parties.
- e) Proof of service of any paper shall be by certificate of attorney, affidavit or acknowledgment.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 1700.110 Continuances

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The hearing may, at any time or from time to time, be postponed or continued, after due cause shown, such as the unavailability of a witness, party, or party's counsel ~~due to accident, illness, death in the family, or conflicting court schedule~~, by the Board or hearing officer before which it is scheduled, upon his own motion or upon motion of any party to the proceeding. Notice of any motion for postponement or continuance shall be given to all parties to the hearing ~~within 48 hours of the event which justified the need for the continuance or postponement~~ at least 48 hours prior to the scheduled date and time of the hearing. Where a witness, party or counsel becomes unavailable within 48 hours of a scheduled hearing due to accident, illness, death in the family, conflicting court schedule or other emergency situation, notice shall be given as soon as possible after the event which justifies continuance.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 1700.120 Discovery

After initiation of a complaint, any party, upon written request made to the other party, at least three business days prior to the hearing and within ten days after service of the initial pleading, or within five days after said service of an additional pleading, shall be entitled to obtain the names and addresses of witnesses whom the other party intends to call to testify at the hearing, a list of all writings and documents which the party proposes to offer in evidence, and any exculpatory evidence in the Department's or another party's possession. [Exculpatory evidence is any evidence which tends to support the requesting party's position or calls into question the credibility of a Departmental witness.] Any party shall have the right to submit written interrogatories to the other party with respect to the matters at issue no later than five (5) business days prior to a scheduled hearing.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 1700.140 Witnesses

- a) Subject to the evidentiary requirements of Section 10-40(a) of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1010-40(a)) [5 ILCS 100/10-40(a)], a party may conduct examinations or cross-examinations required for a full and fair disclosure of the facts.
- b) The Department may call any adverse party as a witness without vouching for his credibility and proceed to examine such adverse party as if under cross-examination. Any party calling a witness in good faith, who is surprised by his testimony, may impeach that witness by evidence of prior inconsistent statements.
- c) The hearing officer is authorized to examine any or all witnesses at a hearing to obtain information relating to the proceeding which has not been presented by the parties.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 1700.150 Evidence at Hearings

- a) Evidence at hearings shall be governed by Section 10-40 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1010-40) [5 ILCS 100/10-40].
- b) Parties may by stipulation agree upon any facts involved in the proceeding. The facts stipulated shall be considered as evidence in the proceeding, provided that the hearing officer may require proof

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of any fact necessary to adjudicate the facts at issue.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 1700.160 Court Reporter

The Board or hearing officer Department will designate a licensed court reporter to make a stenographic record of hearings in all proceedings. Upon the filing of a Motion for Review, the Department shall provide, by certified mail, a non-certified copy of the transcript to each party. However, a party may request a non-certified copy of the transcript from the Department, or a certified copy of the transcript from the court reporter at his or her own cost, at any stage of the hearing process.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 1700.170 Corrections to Transcripts

A party who requests and receives a transcript copy prior to the hearing officer rendering a report and recommendation to the Director may suggest suggested corrections to the transcript of record may be effected within 10 days after the transcript is received by the party. Suggested corrections shall be served upon, or brought to the attention of, each party whose appearance is of record or his attorney, the official court reporter and the hearing officer. If the suggested corrections are not objected to, the hearing officer will discuss with the parties the corrections to be made and the manner of making them. The hearing officer shall then determine the manner in which the record shall be changed, if at all. In making this decision, the hearing officer will consider whether the suggested corrections accurately reflect the proceedings of the hearing.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 1700.180 Findings, Conclusions and Recommendations

After the close of all proofs in the hearing before him, the hearing officer shall cause to be prepared and transmitted to the Director findings of fact, conclusions of law, and recommendations, together with the entire record in the proceeding. The hearing officer's findings, conclusions and recommendations which shall contain all the items required by Section 10-50 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991 ch. 127, par. 1010-50) [5 ILCS 100/10-50]. Copies of such findings, conclusions and recommendations, and if the hearing officer so elects, memorandum of law supporting all or any of such findings, conclusions and recommendations, shall, together with a notice from the Department that any party has 20 days from the date such notice is received by certified mail (or returned as undelivered or unclaimed) to present to the Secretary a written Motion for Review, shall be served upon each party in the manner provided by law this Part. The submission of such Motion for Review, requesting a review by the Board of the hearing officer's findings, conclusions, and recommendations, shall stay the final disposition by the Director, as provided by Section 1700.190 of this Part, until the review and recommendation of the Board, as provided by Section 1700.10(c) of this Part, is completed.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 1700.190 Final Disposition by Director

The findings of fact, conclusions of law, and recommendations of the hearing

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officer, as well as any recommendations of the Board, shall be reviewed by the Director. The Director shall have 30 days to review the record of the case and the hearing officer's and Board's recommendations. The Director shall then enter such order as shall be proper for the disposition of the matter. Such order shall be served upon all parties by certified mail.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 1700.200 Disqualification of a Hearing Officer

Any party to a proceeding may request the Director to disqualify the hearing officer on the basis that said party believes that the hearing officer is biased against said party or that a conflict of interest exists on the part of the hearing officer. Any request for disqualification must be in writing, accompanied by an affidavit signed and dated by the party setting out the specific facts upon which the claim of bias or conflict of interest is based, and must be filed with the Secretary. *An adverse ruling, in and of itself, shall not constitute bias or conflict of interest (Illinois Administrative Procedure Act, Section 10-25).* If the Director finds that bias or conflict of interest exists, the Director shall appoint another hearing officer to continue the proceeding.

(Source: Added at 18 Ill. Reg. _____, effective _____)

Section 1700.210 Ex Parte Communications

a) *After a notice of hearing has been issued, communications between a party to a proceeding and the hearing officer, Board, Director or an employee of the Department, whether oral or written, direct or indirect (ex parte communications), are generally prohibited, except upon notice and opportunity for all parties to participate. However, communications solely for the purpose of determining procedural or administrative requirements, or communications between agency employees or between a hearing officer and a personal assistant, will not be considered ex parte communications for the purposes of this Section (Ill. Rev. Stat. 1991, ch. 127, par. 1010-60) [5 ILCS 100/10-60].*

b) *Any written ex parte communications, as well as a written summary of any oral ex parte communications, shall become part of the record of any proceeding before the Department, but shall not be the basis for any finding of fact by the hearing officer, the Board or the Director (Ill. Rev. Stat. 1991, ch. 127, pars. 1010-35 and 1010-60) [5 ILCS 100/10-35 and 10-60].*

(Source: Added at 18 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

1) Heading of Part: Petroleum Underground Storage Tanks

2) Code Citation: 35 Ill. Adm. Code 732

3) Section Numbers: Proposed Action:

732.100	new section
732.101	new section
732.102	new section
732.103	new section
732.104	new section
732.105	new section
732.200	new section
732.201	new section
732.202	new section
732.203	new section
732.204	new section
732.300	new section
732.301	new section
732.302	new section
732.303	new section
732.304	new section
732.305	new section
732.306	new section
732.307	new section
732.308	new section
732.309	new section
732.310	new section
732.311	new section
732.401	new section
732.402	new section
732.403	new section
732.404	new section
732.405	new section
732.406	new section
732.407	new section
732.408	new section
732.409	new section
732.410	new section

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732.500 new section
 732.501 new section
 732.502 new section
 732.503 new section
 732.504 new section
 732.505 new section
 732.600 new section
 732.601 new section
 732.602 new section
 732.603 new section
 732.604 new section
 732.605 new section
 732.606 new section
 732.607 new section
 732.608 new section
 732.609 new section
 732.610 new section
 732.611 new section
 732.612 new section
 732.Appendix A new section
 732.Appendix B new section

4) Statutory Authority: 415 ILCS 57.14(b).

5) A Complete Description of the Subjects and Issues Involved:

Section 57.14(b) of the Environmental Protection Act directs the Illinois Pollution Control Board to adopt within six months of receipt from the Illinois Environmental Protection Agency, regulations prescribing procedures and standards for the Agency's administration of its duties under the new Leaking Underground Storage Tank program. On March 15, 1994, in Docket R94-2, the Agency proposed a set of comprehensive regulations which revise the method by which Illinois' LUST program is administered.

The objectives to be accomplished by these proposed regulations are set forth in the new law. They are 1) the adoption of procedures for the remediation of UST sites due to the release of petroleum and other substances; 2) the establishment of procedures for a LUST program that will oversee and review any remediation required for UST systems and for administration of the Underground Storage Tank

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Fund; 3) the establishment by the State of a fund to satisfy UST financial assurance requirements for persons who qualify for access; 4) the adoption of procedures for eligible owners and operators to seek payment for the costs of site investigation and remediation; and 5) the adoption of procedures for the review or audit and approval of corrective action efforts performed by Licensed Professional Engineers.

The primary change from the current program, is the implementation of a system for the prioritization of sites for purposes of remediation. Rather than all sites that have reported releases to the Illinois Emergency Management Agency being required to perform full remediation, sites will be evaluated and classified based upon statutory criteria for risk analysis. Depending upon the site classification, sites may be released from the program after early action without performing further remediation, required to perform groundwater monitoring for a period of three years, or required to proceed with soil or groundwater remediation, or both.

6) Will this proposed rule replace an emergency rule currently in effect? ___ Yes X No

7) Does this rulemaking contain an automatic repeal date?
 ___ Yes X No

8) Does this proposed rule contain incorporations by reference? X Yes ___ No

Materials incorporated by reference are listed in Section 732.104.

9) Are there any other proposed amendments pending on this Part? ___ Yes X No

10) Statement of Statewide Policy Objectives: The proposed rules do not create or enlarge a state mandate as defined in Section 3(b) of the State Mandates Act.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Send written comments clearly marked with Docket R94-2 within 45 days of this publication in the Illinois Register to:

Dorothy M. Gunn, Clerk
 Illinois Pollution Control Board
 100 West Randolph Street, Suite 11-500

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Chicago, IL 60601

Mark Wight
Assistant Counsel
Illinois Environmental Protection Agency
Bureau of Legal Counsel
P.O. Box 19276
Springfield, IL 62794-9276

For further information regarding these proposed rules, contact:

Musette H. Vogel
Hearing Officer
600 South Second Street, Suite 402
Springfield, Illinois 62704
(217) 524-8509

12) Initial Regulatory Flexibility Analysis:

A) Date rules submitted to Business Assistance Office of the Department of Commerce and Community Affairs: March 21, 1994

B) Types of small businesses affected:

Those small businesses which may be the owner or operator of a leaking underground storage tank(s).

C) Reporting, bookkeeping or other procedures required for compliance:

These proposed rules impose numerous reporting and recordkeeping requirements which would pertain to owners and operators of leaking underground storage tanks.

D) Types of professional skills necessary for compliance:

Clerical, Professional and Technical skills.

The full text of the Proposed Rule begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER d: UNDERGROUND INJECTION CONTROL
AND UNDERGROUND STORAGE TANK PROGRAMS

PART 732
PETROLEUM UNDERGROUND STORAGE TANKS

SUBPART A: GENERAL

732.100	Applicability
732.101	Election to Proceed under Part 732
732.102	Severability
732.103	Definitions
732.104	Incorporations by Reference
732.105	Agency Authority to Initiate Investigative, Preventive or Corrective Action

SUBPART B: EARLY ACTION

732.200	General
732.201	Agency Authority to Initiate
732.202	Early Action
732.203	Free Product Removal
732.204	Application for Payment

SUBPART C: SITE EVALUATION AND CLASSIFICATION

732.300	General
732.301	Agency Authority to Initiate
732.302	"No Further Action" Sites
732.303	"Low Priority" Sites
732.304	"High Priority" Sites
732.305	Plan Submittal and Review
732.306	Deferred Site Classification; Priority List
732.307	Site Evaluation
732.308	Boring Logs and Sealing of Soil Borings and Groundwater Monitoring Wells
732.309	Site Classification Completion Report
732.310	Indicator Contaminants
732.311	Groundwater Quality Standards for Indicator Contaminants

SUBPART D: CORRECTIVE ACTION

732.400	General
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732.401	Agency Authority to Initiate
732.402	"No Further Action" Site
732.403	"Low Priority" Site
732.404	"High Priority" Site
732.405	Plan Submittal and Review
732.406	Deferred Corrective Action; Priority List
732.407	Alternative Technologies
732.408	Corrective Action Remediation Objectives
732.409	Groundwater Monitoring and Corrective Action Completion Reports
732.410	"No Further Remediation" Letter

SUBPART E: SELECTION AND REVIEW PROCEDURES FOR PLANS AND REPORTS

732.500	General
732.501	Submittal of Plans or Reports
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732.503	Full Review of Plans or Reports
732.504	Selection of Plans or Reports for Full Review
732.505	Standards for Review of Plans or Reports

SUBPART F: PAYMENT OR REIMBURSEMENT

732.600	General
732.601	Applications for Payment
732.602	Review of Applications for Payment
732.603	Authorization for Payment; Priority List
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732.606	Ineligible Costs
732.607	Payment for Handling Charges
732.608	Apportionment of Costs
732.609	Subrogation of Rights
732.610	Indemnification
732.611	Costs Covered by Insurance, Agreement or Court Order
732.612	Determination and Collection of Excess Payments

732.Appendix A	Indicator Contaminants
732.Appendix B	Groundwater and Soil Remediation Objectives and Acceptable Detection Limits

AUTHORITY: Implementing Sections 22.12 and 57 - 57.17 and authorized by Section 57.14 of the Environmental Protection Act (415 ILCS 5/22.12, 57 - 57.17, 57.14, as added by P.A. 88-496, effective September 13, 1993).

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SOURCE: Adopted in R94- at Ill. Reg., effective , 19 .

NOTE: Capitalization denotes statutory language.

SUBPART A: GENERAL

Section 732.100 Applicability

- a) This Part applies to owners or operators of any underground storage tank system used to contain petroleum and for which a release has been confirmed and required to be reported to Illinois Emergency Management Agency (IEMA) on or after the effective date of this Part in accordance with regulations adopted by the Office of State Fire Marshal (OSFM). It does not apply to owners or operators of sites for which the OSFM does not require a report to IEMA or for which the OSFM has issued or intends to issue a certificate of removal or abandonment pursuant to Section 57.5 of the Environmental Protection Act (Act) (415 ILCS 5/57.5). Owners or operators of any underground storage tank system used to contain petroleum and for which a release was reported to IEMA on or before September 12, 1993, may elect to proceed in accordance with this Part pursuant to Section 732.101.

- b) Owners or operators subject to this Part by law or by election shall proceed expeditiously to comply with all requirements of the Act and the regulations and to obtain the "No Further Remediation" letter signifying final disposition of the site for purposes of this Part. The Agency may use its authority pursuant to the Act and Section 732.105 of this Part to expedite investigative, preventive or corrective action by an owner or operator or to initiate such action.

Section 732.101 Election to Proceed under Part 732

- a) Owners or operators of any underground storage tank system used to contain petroleum and for which a release was reported to the proper state authority on or before September 12, 1993, may elect to proceed in accordance with this Part by submitting to the Agency a written statement of such election signed by the owner or operator. Completion of corrective action shall then follow the requirements of this Part. The election shall be effective upon receipt by the Agency and shall not be withdrawn once made.

- b) Owners or operators of underground storage tanks (USTs) used exclusively to store heating oil for consumptive use on the premises where stored and which serve other than a farm or residential unit may elect to proceed in

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accordance with this Part by submitting to the Agency a written statement of such election signed by the owner or operator. Completion of corrective action shall then follow the requirements of this Part. The election shall be effective upon receipt by the Agency and shall not be withdrawn once made.

- c) If the owner or operator elects to proceed pursuant to this Part, corrective action costs incurred in connection with the release and prior to the notification of election shall be payable or reimbursable in the same manner as was allowable under the then existing law. Corrective action costs incurred after the notification of election shall be payable or reimbursable in accordance with Subparts E and F of this Part.

Section 732.102 Severability

If any provision of this Part or its application to any person or under any circumstances is adjudged invalid, such adjudication shall not affect the validity of this Part as a whole or of any portion not adjudged invalid.

Section 732.103 Definitions

Except as stated in this Section, or unless a different meaning of a word or term is clear from the context, the definition of words or terms in this Part shall be the same as that applied to the same words or terms in the Environmental Protection Act (415 ILCS 5/1-57.17).

"Accounting" means a compilation of documentation to establish, substantiate and justify the nature and extent of the corrective action costs incurred by an owner or operator.

"Act" means the Environmental Protection Act (415 ILCS 5/1 et seq.).

"Agency" means the Illinois Environmental Protection Agency.

"Alternative technology" means a process or technique, other than conventional technology, used to perform a corrective action with respect to soils contaminated by releases of petroleum from an underground storage tank.

"Board" means the Illinois Pollution Control Board.

"BODILY INJURY" MEANS BODILY INJURY, SICKNESS, OR DISEASE SUSTAINED BY A PERSON, INCLUDING DEATH AT ANY TIME, RESULTING FROM A RELEASE OF PETROLEUM FROM AN UNDERGROUND STORAGE TANK. (Section 57.2 of the Act).

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"CLASS I GROUNDWATER" MEANS GROUNDWATER THAT MEETS THE CLASS I: POTABLE RESOURCE GROUNDWATER CRITERIA SET FORTH IN THE BOARD REGULATIONS ADOPTED PURSUANT TO THE ILLINOIS GROUNDWATER PROTECTION ACT. (Section 57.2 of the Act).

"CLASS III GROUNDWATER" MEANS GROUNDWATER THAT MEETS THE CLASS III: SPECIAL RESOURCE GROUNDWATER CRITERIA SET FORTH IN THE BOARD REGULATIONS ADOPTED PURSUANT TO THE ILLINOIS GROUNDWATER PROTECTION ACT. (Section 57.2 of the Act).

"Confirmed exceedence" means laboratory verification of an exceedence of the applicable groundwater quality standards or objectives.

"Confirmed release" means a release of petroleum that has been confirmed in accordance with regulations promulgated by the Office of the State Fire Marshal at 41 Ill. Adm. Code 170.

"Conventional technology" means a process or technique to perform a corrective action by removal, transportation and disposal of soils contaminated by a release of petroleum from an underground storage tank in accordance with applicable laws and regulations, but without processing to remove petroleum from the soils.

"CORRECTIVE ACTION" MEANS ACTIVITIES ASSOCIATED WITH COMPLIANCE WITH THE PROVISIONS OF SECTIONS 57.6 AND 57.7 OF the Act. (Section 57.2 of the Act).

"FILL MATERIAL" MEANS NON-NATIVE OR DISTURBED MATERIALS USED TO BED AND BACKFILL AROUND AN UNDERGROUND STORAGE TANK. (Section 57.2 of the Act).

"Free product" means petroleum that is present as a non-aqueous phase liquid (e.g., liquid not dissolved in water).

"FUND" MEANS THE UNDERGROUND STORAGE TANK FUND. (Section 57.2 of the Act).

"GROUNDWATER" MEANS UNDERGROUND WATER WHICH OCCURS WITHIN THE SATURATED ZONE AND GEOLOGIC MATERIALS WHERE THE FLUID PRESSURE IN THE PORE SPACE IS EQUAL TO OR GREATER THAN ATMOSPHERIC PRESSURE. (Section 3.64 of the Act).

"Handling charges" means administrative, insurance, and interest costs and a reasonable profit for procurement, oversight, and payment of subcontracts and field purchases.

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"HEATING OIL" MEANS PETROLEUM THAT IS NO. 1, NO. 2, NO. 4 - LIGHT, NO. 4 - HEAVY, NO. 5 - LIGHT, NO. 5 - HEAVY OR NO. 6 TECHNICAL GRADES OF FUEL OIL; AND OTHER RESIDUAL FUEL OILS INCLUDING NAVY SPECIAL FUEL OIL AND BUNKER C. (Section 57.2 of the Act).

"IEMA" means the Illinois Emergency Management Agency.

"INDEMNIFICATION" MEANS INDEMNIFICATION OF AN OWNER OR OPERATOR FOR THE AMOUNT OF JUDGMENT ENTERED AGAINST THE OWNER OR OPERATOR IN A COURT OF LAW, FOR THE AMOUNT OF ANY FINAL ORDER OR DETERMINATION MADE AGAINST THE OWNER OR OPERATOR BY ANY AGENCY OF STATE GOVERNMENT OR ANY SUBDIVISION THEREOF, OR FOR THE AMOUNT OF ANY SETTLEMENT ENTERED INTO BY THE OWNER OR OPERATOR, IF THE JUDGMENT, ORDER, DETERMINATION, OR SETTLEMENT ARISES OUT OF BODILY INJURY OR PROPERTY DAMAGE SUFFERED AS A RESULT OF A RELEASE OF PETROLEUM FROM AN UNDERGROUND STORAGE TANK OWNED OR OPERATED BY THE OWNER OR OPERATOR. (Section 57.2 of the Act).

"LICENSED PROFESSIONAL ENGINEER" MEANS A PERSON, CORPORATION OR PARTNERSHIP LICENSED UNDER THE LAWS OF THE STATE OF ILLINOIS TO PRACTICE PROFESSIONAL ENGINEERING. (Section 57.2 of the Act).

"Man-made pathway" means constructed routes that may allow for the transport of mobile petroleum free-liquid or petroleum-based vapors including, but not limited to, sewers, utility lines, utility vaults, building foundations, basements, crawl spaces, drainage ditches or previously excavated and filled areas.

"Monitoring well" means a water well intended for the purpose of determining groundwater quality or quantity.

"Natural pathway" means natural routes for the transport of mobile petroleum free-liquid or petroleum-based vapors including, but not limited to soil, groundwater, sand seams and lenses and gravel seams and lenses.

"OCCURRENCE" MEANS ANY RELEASE FROM AN UNDERGROUND STORAGE TANK, INCLUDING ANY ADDITIONAL RELEASE FROM THAT UNDERGROUND STORAGE TANK AT THE SITE IDENTIFIED IN THE COURSE OF PERFORMING CORRECTIVE ACTION IN RESPONSE TO THE INITIAL RELEASE. (Section 57.2 of the Act).

"OSFM" means the Office of the State Fire Marshal.

"Operator" means any person in control of, or having responsibility for, the daily operation of the underground storage tank. (42 U.S.C. § 6991).

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"Owner" means:

In the case of an underground storage tank in use on November 8, 1984, or brought into use after that date, any person who owns an underground storage tank used for the storage, use or dispensing of regulated substances;

In the case of any underground storage tank in use before November 8, 1984, but no longer in use on that date, any person who owned such underground storage tank immediately before the discontinuation of its use. (42 U.S.C. § 6991).

"Person" means, for the purposes of interpreting the definitions of the terms "owner" or "operator," an individual, trust, firm, joint stock company, joint venture, consortium, commercial entity, corporation (including a government corporation), partnership, association, State, municipality, commission, political subdivision of a State, or any interstate body and shall include the United States Government and each department, agency, and instrumentality of the United States. (Derived from 42 U.S.C. § 6991).

"Petroleum" means petroleum, including crude oil or any fraction thereof which is liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute). (42 U.S.C. § 6991).

"PHYSICAL SOIL CLASSIFICATION" MEANS VERIFICATION THAT SUBSURFACE STRATA ARE AS GENERALLY MAPPED IN THE PUBLICATION ILLINOIS GEOLOGICAL SURVEY CIRCULAR (1984) ENTITLED "POTENTIAL FOR CONTAMINATION OF SHALLOW AQUIFERS IN ILLINOIS," BY BERG, RICHARD C., ET AL. SUCH CLASSIFICATION MAY INCLUDE REVIEW OF SOIL BORINGS, WELL LOGS, PHYSICAL SOIL ANALYSIS, REGIONAL GEOLOGIC MAPS, OR OTHER SCIENTIFIC PUBLICATIONS. (Section 57.2 of the Act).

"POTABLE" MEANS GENERALLY FIT FOR HUMAN CONSUMPTION IN ACCORDANCE WITH ACCEPTED WATER SUPPLY PRINCIPLES AND PRACTICES. (Section 3.65 of the Act).

"PROPERTY DAMAGE" MEANS PHYSICAL INJURY TO, DESTRUCTION OF, OR CONTAMINATION OF TANGIBLE PROPERTY owned by a person other than an owner or operator of the UST from which a release of petroleum has occurred and which tangible property is located off the site where the release occurred. Property damage includes ALL RESULTING LOSS OF USE OF THAT PROPERTY; OR LOSS OF USE OF TANGIBLE PROPERTY THAT IS NOT PHYSICALLY INJURED, DESTROYED OR CONTAMINATED, BUT HAS BEEN EVACUATED, WITHDRAWN FROM USE, OR RENDERED INACCESSIBLE BECAUSE OF A RELEASE OF

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PETROLEUM FROM AN UNDERGROUND STORAGE TANK. (Derived from Section 57.2 of the Act).

"Registration" means registration of an underground storage tank with the OSFM in accordance with Section 4 of the Gasoline Storage Act (430 ILCS 15/4).

"REGULATED RECHARGE AREA" MEANS A COMPACT GEOGRAPHIC AREA, AS DETERMINED BY THE BOARD, THE GEOLOGY OF WHICH RENDERS A POTABLE RESOURCE GROUNDWATER PARTICULARLY SUSCEPTIBLE TO CONTAMINATION. (Section 3.67 of the Act).

"Regulated substance" means:

Any substance defined in Section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. § 9601(14)) (but not including any substance regulated as a hazardous waste under subtitle C of the Resource Conservation and Recovery Act (42 U.S.C. §§ 6921 et seq.)), and Petroleum. (42 U.S.C. § 6991).

"RELEASE" MEANS ANY SPILLING, LEAKING, EMITTING, DISCHARGING, ESCAPING, LEACHING, OR DISPOSING OF PETROLEUM FROM AN UNDERGROUND STORAGE TANK INTO GROUNDWATER, SURFACE WATER OR SUBSURFACE SOILS. (Section 57.2 of the Act).

"Residential tank" means an underground storage tank located on property used primarily for dwelling purposes.

"Residential unit" means a structure used primarily for dwelling purposes including multi-unit dwellings such as apartment buildings, condominiums, cooperatives or dormitories.

"SETBACK ZONE" MEANS A GEOGRAPHIC AREA, DESIGNATED PURSUANT TO THE ACT or regulations, CONTAINING A POTABLE WATER SUPPLY WELL OR A POTENTIAL SOURCE OR POTENTIAL ROUTE, HAVING A CONTINUOUS BOUNDARY, AND WITHIN WHICH CERTAIN PROHIBITIONS OR REGULATIONS ARE APPLICABLE IN ORDER TO PROTECT GROUNDWATER. (Section 3.61 of the Act).

"SITE" MEANS ANY SINGLE LOCATION, PLACE, TRACT OF LAND OR PARCEL OF PROPERTY INCLUDING CONTIGUOUS PROPERTY NOT SEPARATED BY A PUBLIC RIGHT-OF-WAY. (Section 57.2 of the Act).

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"Surface body of water" or "surface water body" means a natural or man-made body of water on the ground surface including, but not limited to, lakes, ponds, reservoirs, retention ponds, rivers, streams, creeks and drainage ditches. Surface body of water does not include puddles or other accumulations of precipitation, runoff or groundwater in UST excavations.

"Tank field" means all underground storage tanks at a site that reside within a circle with a 100 foot radius.

"Underground Storage Tank" or "UST" means any one or combination of tanks (including underground pipes connected thereto) which is used to contain an accumulation of regulated substances, and the volume of which (including the volume of underground pipes connected thereto) is 10 per centum or more beneath the surface of the ground. Such term does not include any of the following or any pipes connected thereto:

Farm or residential tank of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes;

Septic tank;

Pipeline facility (including gathering lines) regulated under the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1671 et seq.), or the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2001 et seq.), or which is an intrastate pipeline facility regulated under State laws as provided in either of these provisions of law, and which is determined by the Secretary to be connected to a pipeline or to be operated or intended to be capable of operating at pipeline pressure or as an integral part of a pipeline;

Surface impoundment, pit, pond, or lagoon;

Storm water or waste water collection system;

Flow-through process tank;

Liquid trap or associated gathering lines directly related to oil or gas production and gathering operations; or

Storage tank situated in an underground area (such as a basement, cellar, mineworking, drift, shaft, or tunnel) if the storage tank is situated upon or above the surface of the floor. (Derived from 42 U.S.C. § 6991).

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THE TERM "UNDERGROUND STORAGE TANK" SHALL ALSO MEAN AN UNDERGROUND STORAGE TANK USED EXCLUSIVELY TO STORE HEATING OIL FOR CONSUMPTIVE USE ON THE PREMISES WHERE STORED AND WHICH SERVES OTHER THAN A FARM OR RESIDENTIAL UNIT. (Section 57.2 of the Act).

"UST system" or "tank system" means an underground storage tank, connected underground piping, underground ancillary equipment, and containment system, if any.

Section 732.104 Incorporations by Reference

- a) The Board incorporates the following material by reference:

ASTM. American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103 (215) 299-5400

ASTM D 422-63, Standard Test Method for Particle-Size Analysis of Soils, approved November 21, 1963, (reapproved 1990).

ASTM D 1140-54, Standard Test Method for Amount of Material in Soils Finer than the No. 200 (75 um) Sieve, approved September 15, 1954, (reapproved 1990).

ASTM D 2216-90, Standard Test Method for Laboratory Determination of Water (Moisture) Content of Soil and Rock, approved November 30, 1990.

ASTM D 4643-87, Standard Test Method for Determination of Water (Moisture) Content of Soil by the Microwave Oven Method, approved February 2, 1987.

ASTM D 2487-90, Standard Test Method for Classification of Soils for Engineering Purposes, approved June 22, 1990.

ASTM D 2488-90, Standard Practice for Description and Identification of Soils (Visual-Manual Procedure), approved June 29, 1990.

ASTM D 5084-90, Standard Test Method for Measurement of Hydraulic Conductivity of Saturated Porous Materials Using a Flexible Wall Permeameter, approved June 22, 1990.

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ASTM D 4525-90, Standard Test Method for Permeability of Rocks by Flowing Air, approved May 25, 1990.

ISGS. Illinois State Geological Survey, 615 E. Peabody Drive, Champaign, IL 61820-6964 (217) 333-4747

Richard C. Berg, John P. Kempton, Keros Cartwright, "Potential for Contamination of Shallow Aquifers in Illinois," (1984), Circular No. 532.

NTIS. National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161 (703) 487-4600.

"Methods for Chemical Analysis of Water and Wastes," EPA Publication No. EPA-600/4-79-020, (March 1983), Doc. No. PB 84-128677.

"Methods for the Determination of Organic Compounds in Drinking Water," EPA, EMSL, EPA-600/4-88/039 (Dec. 1988), Doc. No. PB 89-220461.

"Practical Guide for Ground-Water Sampling," EPA Publication No. EPA-600/2-85/104 (September 1985), Doc. No. PB 86-137304.

"Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods," EPA Publication No. SW-846 (Third Edition, 1986, as amended by Revision I (December 1987), Doc. No. PB 89-148076.

USGS. United States Geological Survey, 1961 Stout Street, Denver, CO 80294 (303) 844-4169

"Techniques of Water Resources Investigations of the United States Geological Survey, Guidelines for Collection and Field Analysis of Ground-Water Samples for Selected Unstable Constituents," Book I, Chapter D2 (1981).

CFR (Code of Federal Regulations). Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, (202) 783-3238

40 CFR 261, Appendix II (1992).

40 CFR 761.120 (1993).

b)

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- c) This Section incorporates no later editions or amendments.

Section 732.105 Agency Authority to Initiate Investigative, Preventive or Corrective Action

- a) THE AGENCY HAS THE AUTHORITY TO DO EITHER OF THE FOLLOWING:

- 1) PROVIDE NOTICE TO THE OWNER OR OPERATOR, OR BOTH, OF AN UNDERGROUND STORAGE TANK WHENEVER THERE IS A RELEASE OR SUBSTANTIAL THREAT OF A RELEASE OF PETROLEUM FROM SUCH TANK. SUCH NOTICE SHALL INCLUDE THE IDENTIFIED INVESTIGATION OR RESPONSE ACTION AND AN OPPORTUNITY FOR THE OWNER OR OPERATOR, OR BOTH, TO PERFORM THE RESPONSE ACTION.
- 2) UNDERTAKE INVESTIGATIVE, PREVENTIVE OR CORRECTIVE ACTION WHENEVER THERE IS A RELEASE OR A SUBSTANTIAL THREAT OF A RELEASE OF PETROLEUM FROM AN UNDERGROUND STORAGE TANK. (Section 57.12(c) of the Act).
- b) IF NOTICE HAS BEEN PROVIDED UNDER THIS SECTION, THE AGENCY HAS THE AUTHORITY TO REQUIRE THE OWNER OR OPERATOR, OR BOTH, OF AN UNDERGROUND STORAGE TANK TO UNDERTAKE PREVENTIVE OR CORRECTIVE ACTION WHENEVER THERE IS A RELEASE OR SUBSTANTIAL THREAT OF A RELEASE OF PETROLEUM FROM SUCH TANK. (Section 57.12(d) of the Act).

SUBPART B: EARLY ACTION

Section 732.200 General

OWNERS AND OPERATORS OF UNDERGROUND STORAGE TANKS SHALL, IN RESPONSE TO ALL CONFIRMED RELEASES of petroleum, COMPLY WITH ALL APPLICABLE STATUTORY AND REGULATORY REPORTING AND RESPONSE REQUIREMENTS. (Section 57.6(a) of the Act). No work plan shall be required for conducting early action activities.

Section 732.201 Agency Authority to Initiate

Pursuant to Sections 732.100 or 732.105 of this Part, the Agency shall have the authority to require or initiate early action activities in accordance with the remainder of this Subpart B.

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Section 732.202 Early Action

- a) Upon confirmation of a release of petroleum from a UST system in accordance with regulations promulgated by the OSFM, the owner or operator, or both, shall perform the following initial response actions within 24 hours of the release:

- 1) Report the release to IEMA (e.g., by telephone or electronic mail);
 - 2) Take immediate action to prevent any further release of the regulated substance to the environment; and
 - 3) Identify and mitigate fire, explosion and vapor hazards.
- b) Upon confirmation of a release of petroleum from a UST system in accordance with regulations promulgated by the OSFM, the owner or operator shall perform the following initial abatement measures:

- 1) Remove as much of the petroleum from the UST system as is necessary to prevent further release into the environment;
- 2) Visually inspect any aboveground releases or exposed belowground releases and prevent further migration of the released substance into surrounding soils and groundwater;
- 3) Continue to monitor and mitigate any additional fire and safety hazards posed by vapors or free product that have migrated from the UST excavation zone and entered into subsurface structures (such as sewers or basements);
- 4) Remedy hazards posed by contaminated soils that are excavated or exposed as a result of release confirmation, site investigation, abatement or corrective action activities. If these remedies include treatment or disposal of soils, the owner or operator shall comply with 35 Ill. Adm. Code 722, 724, 725, and 807 through 815.
- 5) Measure for the presence of a release where contamination is most likely to be present at the UST site, unless the presence and source of the release have been confirmed in accordance with regulations promulgated by the OSFM. In selecting sample types, sample locations, and measurement methods, the owner or operator shall consider the nature of the stored substance, the type of backfill, depth to groundwater and other factors as appropriate for identifying the presence and source of the release; and

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- 6) Investigate to determine the possible presence of free product, and begin free product removal as soon as practicable and in accordance with Section 732.203 below.

c) Within 20 days after confirmation of a release of petroleum from a UST system in accordance with regulations promulgated by the OSFM, owners or operators shall submit a report to the Agency summarizing the initial abatement steps taken under subsection (b) above and any resulting information or data. The report shall be submitted on forms prescribed by the Agency or in a similar format containing the same information.

d) Owners or operators shall assemble information about the site and the nature of the release, including information gained while confirming the release or completing the initial abatement measures in subsections 732.202(a) and (b) above. This information must include, but is not limited to, the following:

- 1) Data on the nature and estimated quantity of release;
- 2) Data from available sources or site investigations concerning the following factors: surrounding populations, water quality, use and approximate locations of wells potentially affected by the release, subsurface soil conditions, locations of subsurface sewers, climatological conditions and land use;
- 3) Results of the site check required at subsection 732.202(b)(5);
- 4) Results of the free product investigations required at subsection 732.202(b)(6), to be used by owners or operators to determine whether free product must be recovered under Section 732.203.
- e) Within 45 days after confirmation of a release of petroleum from a UST system in accordance with regulations promulgated by the OSFM, owners or operators shall submit to the Agency the information collected in compliance with subsection (d) above in a manner that demonstrates its applicability and technical adequacy. The information shall be submitted on forms prescribed by the Agency or in a similar format containing the same information.
- f) NOTWITHSTANDING ANY OTHER CORRECTIVE ACTION TAKEN, AN OWNER OR OPERATOR MAY, AT A MINIMUM, AND PRIOR TO SUBMISSION OF ANY PLANS TO THE AGENCY, REMOVE THE TANK SYSTEM, OR REPAIR OR ABANDON THE UNDERGROUND STORAGE TANK IN PLACE, IN ACCORDANCE WITH THE REGULATIONS PROMULGATED BY THE OFFICE OF THE STATE FIRE MARSHAL. THE OWNER MAY REMOVE

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VISIBLY CONTAMINATED FILL MATERIAL AND ANY GROUNDWATER IN THE EXCAVATION WHICH EXHIBITS A SHEEN. (Section 57.6(b) of the Act).

BOARD NOTE: Section 57.7(a)(1)(B) of the Act limits payment or reimbursement from the Fund for removal of contaminated fill material during early action activities. See Subpart F of this Part.

Section 732.203 Free Product Removal

At sites where investigations under Section 732.202(b)(6) above indicate the presence of free product, owners or operators shall remove free product to the maximum extent practicable while initiating or continuing any actions required pursuant to this Part or other applicable laws or regulations. In meeting the requirements of this Section, owners or operators shall:

- a) Conduct free product removal in a manner that minimizes the spread of contamination into previously uncontaminated zones by using recovery and disposal techniques appropriate to the hydrogeologic conditions at the site and that properly treats, discharges or disposes of recovery byproducts in compliance with applicable local, state and federal regulations;
- b) Use abatement of free product migration as a minimum objective for the design of the free product removal system;
- c) Handle any flammable products in a safe and competent manner to prevent fires or explosions; and
- d) Within 45 days after the confirmation of a release of petroleum from an UST in accordance with regulations promulgated by the OSFM, prepare and submit to the Agency a free product removal report on forms prescribed by the Agency or in a similar format containing the same information. The report shall, at a minimum, provide the following:
 - 1) The name of the persons responsible for implementing the free product removal measures;
 - 2) The estimated quantity, type and thickness of free product observed or measured in wells, boreholes and excavations;
 - 3) The type of free product recovery system used;
 - 4) Whether any discharge will take place on-site or off-site during the recovery operation and where this discharge will be located;

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- 5) The type of treatment applied to, and the effluent quality expected from, any discharge;
- 6) The steps that have been or are being taken to obtain necessary permits for any discharge; and
- 7) The disposition of the recovered free product.

Section 732.204 Application for Payment

Owners or operators intending to seek payment or reimbursement for early action activities are not required to submit a corresponding budget plan to the Agency prior to the application for payment. The application for payment may be submitted to the Agency upon completion of the early action activities in accordance with the requirements at Subpart F of this Part. In the alternative, the owner or operator may submit an itemized accounting of the activities and costs as part of a site classification budget plan submitted pursuant to Section 732.305 for prior review and approval in accordance with Subpart E of this Part. A subsequent application for payment satisfying the requirements of Subpart F will be required before payment can be approved.

SUBPART C: SITE EVALUATION AND CLASSIFICATION

Section 732.300 General

- a) Except as provided in subsection (b) below, the owner or operator of any site subject to this Part shall evaluate and classify the site in accordance with the requirements of this Subpart C. All such sites shall be classified as "No Further Action," "Low Priority" or "High Priority." Site classifications shall be based on the results of the site evaluation, including, but not limited to, the physical soil classification and the groundwater investigation, if applicable.
- b) Owners or operators of sites subject to this Part may choose to remediate all soil and groundwater contamination without conducting site classification activities pursuant to this Subpart C. Upon completion of the remediation activities, owners or operators choosing full remediation without site classification shall submit a corrective action completion report to the Agency. The report shall demonstrate that soil and groundwater have been cleaned to the levels required at Section 732.408 of this Part. Upon approval of the corrective action completion report by the Agency or by operation of law in accordance with Subpart E, a "No Further Remediation" letter shall be issued by the Agency.

BOARD NOTE: Owners or operators proceeding under subsection (b) above are

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advised that they may not be entitled to full payment or reimbursement. See Subpart F of this Part.

Section 732.301 Agency Authority to Initiate

Pursuant to Sections 732.100 or 732.105 of this Part, the Agency shall have the authority to require or initiate corrective action activities in accordance with the remainder of this Subpart C.

Section 732.302 "No Further Action" Sites

- a) Sites shall be classified as "No Further Action" if all of the following criteria are satisfied:

- 1) The physical soil classification procedure confirms either of the following:

A) "Berg Circular"

- i) The site is located in an area designated D, E, F or G on the Illinois State Geological Survey Circular (1984) entitled, "Potential for Contamination of Shallow Aquifers in Illinois," incorporated by reference at Section 732.104 of this Part; and

- ii) The site's actual physical soil conditions are verified as consistent with those designated D, E, F or G on the Illinois State Geological Survey Circular (1984) entitled, "Potential for Contamination of Shallow Aquifers in Illinois"; or

- B) The site soil characteristics satisfy the criteria of Section 732.307(d)(3) of this Part;

- 2) The UST system is not within the minimum or maximum setback zone of a potable water supply well or regulated recharge area of a potable water supply well;

- 3) After completing early action measures in accordance with Subpart B of this Part, there is no evidence that, through natural pathways or man-made pathways, migration of petroleum or vapors threaten human health or human safety or may cause explosions in basements, crawl spaces, utility conduits, storm or sanitary sewers, vaults or other confined spaces, or may otherwise cause property

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damage;

- 4) There is no designated Class III special resource groundwater within 200 feet of the site; and
- 5) After completing early action measures in accordance with Subpart B of this Part, no surface bodies of water are adversely affected by the presence of a visible sheen or free product layer as a result of a release of petroleum.
- b) No groundwater investigation pursuant to Section 732.307(j) shall be required to demonstrate that a site meets the criteria of a "No Further Action" site.

Section 732.303 "Low Priority" Sites

Sites shall be classified as "Low Priority" if all of the following criteria are met:

- a) The physical soil classification and groundwater investigation procedures confirm the following:
 - 1) The groundwater quality standard or groundwater objective for any applicable indicator contaminant has not been exceeded at the property boundary line or 200 feet from the UST system, whichever is less; and
 - 2) "Berg Circular"
 - A) The site is located in an area designated A1, A2, A3, A4, A5, AX, B1, B2, BX, C1, C2, C3, C4, or C5 on the Illinois State Geological Survey Circular (1984) entitled, "Potential for Contamination of Shallow Aquifers in Illinois," incorporated by reference at Section 732.104 of this Part; and
 - B) The site's actual physical soil conditions are verified as consistent with those designated A1, A2, A3, A4, A5, AX, B1, B2, BX, C1, C2, C3, C4, or C5 on the Illinois State Geological Survey Circular (1984) entitled, "Potential for Contamination of Shallow Aquifers in Illinois"; or
- 3) The site soil characteristics do not satisfy the criteria of Section 732.307(d)(3) of this Part;

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- b) The UST system is not within the minimum or maximum setback zone of a potable water supply well or regulated recharge area of a potable water supply well;
- c) After completing early action measures in accordance with Subpart B of this Part, there is no evidence that, through natural or man-made pathways, migration of petroleum or vapors threaten human health or human safety or may cause explosions in basements, crawl spaces, utility conduits, storm or sanitary sewers, vaults or other confined spaces, or may otherwise cause property damage;
- d) There is no designated Class III special resource groundwater within 200 feet of the site; and
- e) After completing early action measures in accordance with Subpart B of this Part, there are no surface bodies of water adversely affected by the presence of a visible sheen or free product layer as a result of the release of petroleum.

Section 732.304 "High Priority" Sites

Sites shall be classified as "High Priority" if any of the following are met:

- a) The physical soil classification and groundwater investigation procedures confirm the following:
 - 1) The groundwater quality standard or groundwater objective for any applicable indicator contaminant has been exceeded at the property boundary line or 200 feet from the UST system, whichever is less; and
 - 2) "Berg Circular"
 - i) The site is located in an area designated A1, A2, A3, A4, A5, AX, B1, B2, BX, C1, C2, C3, C4, or C5 on the Illinois State Geological Survey Circular (1984) entitled, "Potential for Contamination of Shallow Aquifers in Illinois," incorporated by reference at Section 732.104 of this Part; and
 - ii) The site's actual physical soil conditions are verified as consistent with those designated A1, A2, A3, A4, A5, AX, B1, B2, BX, C1, C2, C3, C4, or C5 on the Illinois State Geological Survey Circular (1984) entitled, "Potential for Contamination of Shallow Aquifers in Illinois"; or

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- 3) The site soil characteristics do not satisfy the criteria of Section 732.307(d)(3) of this Part;
- b) The UST system is within the minimum or maximum setback zone of a potable water supply well or regulated recharge area of a potable water supply well;
- c) After completing early action measures in accordance with Subpart B of this Part, there is evidence that, through natural or man-made pathways, migration of petroleum or vapors threaten human health or human safety or may cause explosions in basements, crawl spaces, utility conduits, storm or sanitary sewers, vaults or other confined spaces, or may otherwise cause property damage;
- d) There is designated Class III special resource groundwater within 200 feet of the site; or
- e) After completing early action measures in accordance with Subpart B of this Part, a surface body of water is adversely affected by the presence of a visible sheen or free product layer as a result of a release of petroleum.

Section 732.305 Plan Submittal and Review

- a) Prior to conducting any site evaluation activities, the owner or operator shall submit to the Agency a site classification plan, including but not limited to a physical soil classification/groundwater investigation plan, satisfying the minimum requirements for site evaluation activities as set forth in Section 732.307. The plans shall be designed to collect data sufficient to determine the site classification in accordance with Sections 732.302, 732.303 or 732.304 of this Part. Site classification plans shall be submitted on forms prescribed by the Agency or in a similar format containing the same information.
- b) In addition to the plan required in subsection (a) above and prior to conducting any site evaluation activities, any owner or operator intending to seek payment from the Fund shall submit to the Agency:
 - 1) An application for payment of costs associated with eligible early action costs incurred pursuant to Subpart B of this Part, except as provided in subsection (b)(2) below; and
 - 2) A site classification budget plan, which shall include, but not be limited to, a copy of the eligibility and deductibility determination of the OSFM and an itemized accounting of all costs associated with the

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development, implementation and completion of the site evaluation activities required in Section 732.307. In accordance with Section 732.204 of this Part, the owner or operator may submit a site classification budget plan that includes an itemized accounting of the activities and costs of early action for review and approval prior to the submittal of an application for payment. Formulation of budget plans should be consistent with the eligible and ineligible costs listed at Sections 732.605 and 732.606 of this Part. Site classification budget plans shall be submitted on forms prescribed by the Agency or in a similar format containing the same information.

- c) The Agency shall have the authority to review and approve, reject or require modification of any plan submitted pursuant to this Section in accordance with the procedures contained in Subpart E of this Part.
- d) Notwithstanding subsections (a) and (b) above, an owner or operator may proceed to conduct site evaluation activities in accordance with this Subpart C prior to the submittal or approval or an otherwise required site classification plan (including physical soil classification and groundwater investigation plans and associated budget plans). However, any such plan shall be submitted to the Agency for review and approval, rejection or modification in accordance with the procedures contained in Subpart E of this Part prior to payment or reimbursement for any related costs or the issuance of a "No Further Remediation" letter.
- e) If, following the approval of any site classification plan, an owner or operator determines that revised procedures or cost estimates are necessary in order to comply with the minimum required activities for the site, the owner or operator shall submit, as applicable, an amended site classification plan or associated budget plan for review by the Agency. The Agency shall have the authority to review and approve, reject or require modifications of the amended plan in accordance with the procedures contained in Subpart E of this Part.

Section 732.306 Deferred Site Classification; Priority List

- a) NOTWITHSTANDING ANY OTHER PROVISION OR RULE OF LAW WITH THE EXCEPTION OF THE early action requirements of Subpart B of this Part, THE OWNER OR OPERATOR WHO HAS SUBMITTED ANY budget PLAN PURSUANT TO this Part AND WHO IS ELIGIBLE FOR PAYMENT FROM THE UNDERGROUND STORAGE TANK FUND SHALL BE ELIGIBLE TO ELECT TO COMMENCE site classification UPON THE AVAILABILITY OF FUNDS. SUCH ELECTION SHALL BE MADE IN WRITING TO THE AGENCY WITHIN 30 DAYS OF RECEIPT OF AGENCY APPROVAL OF A budget PLAN. THE

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AGENCY SHALL PROVIDE NOTICE TO THE OWNER OR OPERATOR AT SUCH TIME AS IT APPROVES THE BUDGET PLAN WHETHER SUFFICIENT RESOURCES ARE AVAILABLE IN ORDER TO IMMEDIATELY COMMENCE THE APPROVED MEASURES. (Section 57.8(b) of the Act)

- 1) Approvals of budget plans shall be pursuant to Agency review or by operation of law in accordance with Subpart E of this Part.
- 2) The Agency shall monitor the availability of funds to determine whether sufficient resources exist to provide payment for approved budget plans and shall provide notice to owners or operators of the availability of funds in accordance with Section 732.503(h). Funds shall not be deemed available for owners or operators electing to defer site classification so long as there are owners or operators on the priority list established pursuant to Section 732.603(d) of this Part awaiting forwarding of vouchers to the Office of the State Comptroller.

- 3) Upon receiving written notification that an owner or operator elects to defer site classification until funds are available, the Agency shall place the site on a priority list for notification of availability of sufficient funds. Sites shall enter the priority list based solely on the date the Agency receives the written notification of deferral, with the earliest dates having the highest priority. The Agency's record of the date of receipt shall be deemed conclusive, unless a contrary date is proven by a dated, signed receipt from registered or certified mail.

- 4) As funds become available, the Agency shall encumber funds for each site in the order of priority in an amount equal to the total of the approved budget plan for which deferral was sought. The Agency shall then notify owners or operators that sufficient funds have been allocated for the owner or operator's site. After such notification the owner or operator shall commence site classification activities.

- 5) Authorization of payment of encumbered funds for deferred site classification activities shall be approved in accordance with the requirements of Subpart F of this Part.

- 6) The priority list for notification of availability of sufficient funds shall be the same as that used for deferred corrective action pursuant to Section 732.406 with both types of deferrals entering the list and moving up solely on the basis of the date the Agency receives written notice of the deferral.

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- b) SHOULD THE AGENCY OR OWNER OR OPERATOR DETERMINE A THREAT TO HUMAN HEALTH AND/OR THE ENVIRONMENT REQUIRES IMMEDIATE ACTION, INCLUDING THE EXISTENCE OF PETROLEUM OR VAPORS WHICH THREATEN HUMAN HEALTH OR HUMAN SAFETY OR MAY CAUSE EXPLOSIONS IN BASEMENTS, CRAWL SPACES, UTILITY CONDUITS, STORM OR SANITARY SEWERS, VAULTS OR OTHER CONFINED SPACES, OR MAY OTHERWISE CAUSE ADDITIONAL PROPERTY DAMAGE, THE ELECTION TO COMMENCE site classification UPON THE AVAILABILITY OF FUNDS SHALL NOT BE AVAILABLE. THE AGENCY SHALL NOTIFY THE OWNER OR OPERATOR BY CERTIFIED MAIL THAT A SITUATION EXISTS THAT WOULD PRECLUDE THE OWNER OR OPERATOR FROM COMMENCING site classification UPON THE AVAILABILITY OF FUNDS. SUCH ACTION BY THE AGENCY SHALL NOT BE SUBJECT TO APPEAL. (Section 57.8(b) of the Act)

- c) An owner or operator may withdraw the election to commence site classification activities upon the availability of funds at any time. The Agency shall be notified in writing of the withdrawal. Upon such withdrawal, the owner or operator shall proceed with site classification in accordance with the requirements of this Part.

Section 732.307 Site Evaluation

- a) Except as provided in Section 732.300(b), the owner or operator of any site for which a release of petroleum has been confirmed in accordance with regulations promulgated by the OSFM and reported to IEMA shall arrange for site evaluation and classification in accordance with the requirements of this Section. A Licensed Professional Engineer (or, where appropriate, persons working under the direction of a Licensed Professional Engineer) shall conduct the site evaluation. The results of the site evaluation shall provide the basis for determining the site classification. The site classification shall be certified as required by the supervising Licensed Professional Engineer.

- b) As a part of each site evaluation, the Licensed Professional Engineer shall conduct a physical soil classification in accordance with the procedures at subsections (c) or (d) below. Except as provided in subsection (e) below, all elements of the chosen method of physical soil classification must be completed for each site. In addition to the requirement for a physical soil classification, the Licensed Professional Engineer shall, at a minimum, complete the requirements at subsections (f) through (i) below before classifying a site as "No Further Action."

- c) Method One for Physical Soil Classification:

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1) Soil Borings

- A) Prior to conducting field activities, a review of scientific publications and regional geologic maps shall be conducted to determine if the subsurface strata are as generally mapped in the Illinois State Geological Survey Circular (1984) entitled, "Potential for Contamination of Shallow Aquifers in Illinois," incorporated by reference in Section 732.104 of this Part. A list of the publications reviewed and any preliminary conclusions concerning the site geology shall be included in the site classification completion report.
- B) A minimum of one soil boring to a depth that includes 50 feet of native soil or to bedrock shall be performed for each tank field with a release of petroleum.
- C) If, during boring, bedrock is encountered or if auger refusal occurs because of the density of a geologic material, a sample of the bedrock or other material shall be collected to determine permeability or an in situ test shall be performed to determine hydraulic conductivity in accordance with subsections (c)(3)(A) and (c)(3)(B) below. If bedrock is encountered or auger refusal occurs, the Licensed Professional Engineer shall certify that the conditions that prevented the full boring are continuous through the remaining required depth.
- D) Borings shall be performed within 200 feet of the outer edge of the tank field or at the property boundary, whichever is less. If more than one boring is required per site, borings shall be spaced to provide reasonable representation of site characteristics. Location shall be chosen to limit to the greatest extent possible the vertical migration of contamination.
- E) Soil borings shall be continuously sampled.
- F) If anomalies are encountered, additional soil borings may be necessary to verify the consistency of the site geology.
- G) Any water bearing units encountered shall be protected as necessary to prevent cross-contamination of water bearing units during drilling.

2) Soil Properties

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The following tests shall be performed on a representative sample of each stratigraphic unit encountered at the site:

- A) A soil particle analysis using the test methods specified in ASTM (American Society for Testing and Materials) Standards D 422-63 or D 1140-54, "Standard Test Method for Particle-Size Analysis of Soils," or "Standard Test Method for Amount of Material in Soils Finer than the No. 200 (75 um) Sieve," incorporated by reference in Section 732.104 of this Part;
- B) A soil moisture content analysis using the test methods specified in ASTM Standards D 2216-90 or D 4643-87, "Standard Test Method for Laboratory Determination of Water (Moisture) Content of Soil and Rock," or "Standard Test Method for Determination of Water (Moisture) Content of Soil by the Microwave Oven Method," incorporated by reference in Section 732.104 of this Part;
- C) A soil classification using the test methods specified in ASTM Standards D 2487-90 or D 2488-90, "Standard Test Method for Classification of Soils for Engineering Purposes" or "Standard Practice for Description and Identification of Soils (Visual-Manual Procedure)," incorporated by reference in Section 732.104 of this Part; and
- D) Unconfined compression strength shall be determined in tons per square foot by using a hand penetrometer.
- 3) Hydraulic Conductivity
- A) If a water bearing unit is encountered while performing soil boring(s) for the physical soil classification, an in-situ hydraulic conductivity test shall be performed in the first fully saturated layer below the water table. If multiple water bearing units are encountered, an in-situ hydraulic conductivity test shall be performed on each such unit.
- i) Wells used for hydraulic conductivity testing shall be constructed in a manner that ensures the most accurate results.
- ii) The screen must be contained within the saturated zone.

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- B) If no water bearing unit is encountered in the required soil boring(s), then the following laboratory analyses shall be conducted, as applicable, on a representative sample from each stratigraphic unit:
- i) A hydraulic conductivity analysis of granular soils using the test method specified in ASTM (American Society for Testing and Materials) Standard D 5084-90, "Standard Test Method for Measurement of Hydraulic Conductivity of Saturated Porous Materials Using a Flexible Wall Permeameter," incorporated by reference in Section 732.104 of this Part;
 - ii) A hydraulic conductivity analysis of bedrock using the test method specified in ASTM (American Society for Testing and Materials) Standard D 4525-90, "Standard Test Method for Permeability of Rocks by Flowing Air," incorporated by reference in Section 732.104 of this Part.
- 4) If the results of the physical soil classification or groundwater investigation reveal that the actual site geologic characteristics are different from those generally mapped by the Illinois State Geological Survey Circular (1984) entitled, "Potential for Contamination of Shallow Aquifers in Illinois," incorporated by reference at Section 732.104 of this Part, the site classification shall be determined using the actual site geologic characteristics.

d) Method Two for Physical Soil Classification:

- 1) Soil Borings
 - A) A minimum of one soil boring to a depth that includes at least the first 15 feet of native material below the invert elevation of the UST.
 - B) This boring shall meet the requirements of subsections (c)(1)(C) through (c)(1)(G) above.
- 2) Soil Properties

The following tests shall be performed on a representative sample of each stratigraphic unit encountered in the native soil boring:

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- A) A soil particle analysis satisfying the requirements of subsection (c)(2)(A) above;
 - B) A pump test or equivalent to determine the yield of the geologic material. Methodology, assumptions and any calculations performed shall be submitted as part of the site classification completion report. If the aquifer geometry and transmissivity have been obtained through a site-specific field investigation, an analytical solution may be used to estimate well yield. The Licensed Professional Engineer shall demonstrate the appropriateness of the analytical solution to estimate well yield versus an actual field test. Well yield should be determined for either confined or unconfined formations; and
 - C) Hydraulic conductivity shall be determined in accordance with subsection (c)(3) above.
- 3) The results of the boring(s) and tests described in subsections (d)(1) and (d)(2) above shall be used to demonstrate whether the first 15 feet of native material below the invert elevation of the UST meets all of the following criteria:
- A) Does not contain unconsolidated sand, gravel or sand and gravel that is 5 feet or more in thickness with 12 percent or less fines (i.e., fines that pass through a No. 200 sieve tested according to ASTM (American Society for Testing and Materials) Standard D 2488-90; "Standard Practice for Description and Identification of Soils (Visual-Manual Procedure)," incorporated by reference at Section 732.104 of this Part);
 - B) Does not contain sandstone that is 10 feet or more in thickness, or fractured carbonate that is 15 feet or more in thickness; and
 - C) Is not capable of:
 - i) Sustained groundwater yield, from up to a 12 inch borehole, of 150 gallons per day or more from a thickness of 15 feet or less; or
 - ii) Hydraulic conductivity of 1 x 10⁻⁴ cm/sec or greater.

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e) If, during the completion of the requirements of subsections (c) or (d) above, a Licensed Professional Engineer determines that the site geology is not consistent with areas D, E, F or G of the Illinois State Geological Survey Circular (1984) entitled, "Potential for Contamination of Shallow Aquifers in Illinois," incorporated by reference in Section 732.104 of this Part or that the criteria of subsection (d)(3) are not satisfied, any remaining steps required by subsections (c) or (d) may be suspended, provided that the soil investigation has been sufficient to satisfy the requirements of subsection (g) below. If activities are suspended under this subsection (e), the Licensed Professional Engineer shall complete the requirements of subsections (f) through (j) below in order to determine whether the site is "High Priority" or "Low Priority." The site conditions upon which the suspension of the requirements of subsections (c) or (d) above is based shall be documented in the site classification completion report.

f) Survey of Water Supply Wells

1) The Licensed Professional Engineer shall conduct a survey of water supply wells for the purpose of identifying and locating all community water supply wells within 2500 feet of the UST system and all potable water supply wells within 200 feet of the UST system. The survey shall include, but not be limited to, contacting the Illinois State Geological Survey and the Illinois State Water Survey. The local unit of government with authority over the site shall be contacted to determine if there is a local ordinance or policy regulating the usage of potable water supply wells.

2) The Licensed Professional Engineer shall provide a map to scale showing the locations of all community water supply wells and all potable water supply wells identified pursuant to subsection (f)(1) above. Radii of 200, 400 and 1000 feet from the UST system shall be marked on the map.

3) The Licensed Professional Engineer shall provide a table indicating the setback zone for each community water supply well and potable water supply well identified pursuant to subsection (f)(1) above and the distance from the UST system to the well. The locations of each well shall be identified on the map by numbers corresponding to the information provided in the table.

4) The Licensed Professional Engineer shall determine if the UST system is within the regulated recharge area of any community water supply well or potable water supply well. The sources consulted in making this determination shall be described in the site classification

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completion report.

g) Investigation of Migration Pathways

1) The Licensed Professional Engineer shall conduct an investigation either separately or in conjunction with the physical soil classification to identify all potential natural and man-made migration pathways that are on the site, in rights-of-way attached to the site, or in any area surrounding the site that may be adversely affected as a result of the release of petroleum from the UST system. Once the migration pathways have been identified, the areas along all such pathways shall be further investigated in a manner sufficient to determine whether or not there is evidence that migration of petroleum or vapors along such pathways may potentially threaten human health or human safety or may cause explosions in basements, crawl spaces, utility conduits, storm or sanitary sewers, vaults or other confined spaces, or otherwise cause property damage.

2) The Licensed Professional Engineer shall provide a map of the site and any surrounding areas that may be adversely affected by the release of petroleum from the UST system. At a minimum, the map shall be to scale, oriented with north at the top, and shall show the location of the leaking UST system(s) with any associated piping and all potential natural and man-made pathways that are on the site, in rights-of-way attached to the site, or that are in areas that may be adversely affected as a result of the release of petroleum.

3) If the Licensed Professional Engineer certifies that there is no evidence that, through natural or manmade pathways, migration of petroleum or vapors threaten human health or human safety or may cause explosions in basements, crawl spaces, utility conduits, storm or sanitary sewers, vaults or other confined spaces, or may otherwise cause property damage, the Licensed Professional Engineer's certification to that effect shall be presumed correct unless the Agency's review reveals objective evidence to the contrary.

h) The Licensed Professional Engineer shall review the Board's inventory of designated Class III groundwater to determine if Class III groundwater exists within 200 feet of the UST excavation.

i) The Licensed Professional Engineer shall locate all surface bodies of water on site and within 100 feet of the site and provide a map noting the locations. All such surface bodies of water shall be inspected to determine whether they have been adversely affected by the presence of a sheen or

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free product layer resulting from the release of petroleum from the UST system.

i) Groundwater Investigation

1) For any site that fails to satisfy the requirements for a "No Further Action" site classification, the Licensed Professional Engineer shall perform a groundwater investigation in accordance with this subsection (i) to determine whether an applicable indicator contaminant groundwater quality standard has been exceeded at the property boundary or 200 feet from the excavation, whichever is less, as a result of the UST release of petroleum.

2) Applicable indicator contaminants and groundwater quality standards shall be those identified pursuant to Sections 732.310 and 732.311 of this Part.

3) A minimum of four groundwater monitoring wells shall be installed at the property boundary or 200 feet from the UST system, whichever is less. The Agency may require the installation of additional monitoring wells to ensure that at least one monitoring well is located hydraulically upgradient and three monitoring wells are located hydraulically downgradient of the UST system. The wells must be installed so that they provide the greatest likelihood of detecting migration of groundwater contamination. At a minimum, monitoring well construction shall satisfy the following requirements:

- A) Construction shall be in a manner that will enable the collection of representative groundwater samples;
- B) All monitoring wells shall be cased in a manner that maintains the integrity of the borehole. Casing material shall be inert so as not to affect the water sample. Casing requiring solvent-cement type couplings shall not be used.
- C) Wells shall be screened to allow sampling only at the desired interval. Annular space between the borehole wall and well screen section shall be packed with clean, well-rounded and uniform material sized to avoid clogging by the material in the zone being monitored. The slot size of the screen shall be designed to minimize clogging. Screens shall be fabricated from material that is inert with respect to the constituents of the groundwater to be sampled;

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D) Annular space above the well screen section shall be sealed with a relatively impermeable, expandable material such as cement/bentonite grout, which does not react with or in any way affect the sample, in order to prevent contamination of groundwater samples and groundwater and avoid interconnections. The seal shall extend to the highest known seasonal groundwater level;

E) The annular space shall be backfilled with expanding cement grout from an elevation below the frost line and mounded above the surface and sloped away from the casing so as to divert surface water away;

F) All monitoring wells shall be covered with vented caps and equipped with devices to protect against tampering and damage. Locations of wells shall be clearly marked and protected against damage from vehicular traffic or other activities associated with expected site use.

G) All wells shall be developed to allow free entry of water, minimize turbidity of the sample, and minimize clogging.

Monitoring well construction diagrams prescribed and provided by the Agency or diagrams using a similar format and containing the same information shall be completed for each monitoring well.

Static water elevations shall be measured for each monitoring well. Groundwater samples shall be taken from each well and analyzed for the applicable indicator contaminants. The data collected shall be used to determine the direction of groundwater flow and whether the applicable groundwater quality standards or clean-up objectives have been exceeded. Samples shall be collected and analyzed in accordance with the following procedures:

A) Samples shall be collected in accordance with the procedures set forth in the documents "Methods for Chemical Analysis of Water and Wastes," "Methods for the Determination of Organic Compounds in Drinking Water," "Practical Guide for Ground-Water Sampling," "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods," or "Techniques of Water Resources Investigations of the United States Geological Survey, Guidelines for Collection and Field Analysis of Ground-Water Samples for Selected Unstable Constituents," as appropriate for the applicable indicator contaminants or

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groundwater objectives and as incorporated by reference at Section 732.104 of this Part.

B) Groundwater elevation in a groundwater monitoring well shall be determined and recorded to establish the gradient of the groundwater table.

C) The analytical methodology used for the analysis of the indicator contaminants shall be consistent with both of the following:

- i) The methodology shall have a practical quantitation limit (PQL) at or below the objectives or detection levels of Appendix B or as set for mixtures or degradation products as provided in Section 732.310 of this Part; and
- ii) The methodology must be consistent with the methodologies contained in "Methods for Chemical Analysis of Water and Wastes," "Methods for the Determination of Organic Compounds in Drinking Water," "Practical Guide for Ground-Water Sampling," "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods," and "Techniques of Water Resources Investigations of the United States Geological Survey, Guidelines for Collection and Field Analysis of Ground-Water Samples for Selected Unstable Constituents," as incorporated by reference at Section 732.104.

D) In addition to analytical results, sampling and analytical reports shall contain the following information:

- i) Sample collection information including but not limited to the name of sample collector, time and date of sample collection, method of collection, and monitoring location;
- ii) Sample preservation and shipment information including but not limited to field quality control;
- iii) Analytical procedures including but not limited to the method detection limits and the practical quantitation limits (PQL); and

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iv) Chain of custody and control.

Section 732.308 Boring Logs and Sealing of Soil Borings and Groundwater Monitoring Wells

a) Soil boring logs shall be kept for all soil borings. The logs shall be submitted along with the site classification completion report and shall be on forms prescribed by the Agency or in a similar format containing the same information.

1) Soil boring logs shall contain the following information at a minimum:

- A) Sampling device, sample distance and amount of recovery;
 - B) Total depth of boring to the nearest 6 inches;
 - C) Detailed field observations describing materials encountered in boring, including soil constituents, consistency, color, density, moisture, odors, and the nature and extent of sand or gravel lenses or seams equal to or greater than 1 inch in thickness;
 - D) Petroleum hydrocarbon vapor readings (as determined by continuous screening of borings with field instruments capable of detecting such vapors);
 - E) Locations of sample(s) used for physical or chemical analysis; and
 - F) Groundwater levels while boring and at completion.
- 2) Boring logs for soil boring(s) completed for physical soil classification also shall include the following information, as applicable for the classification method chosen, for each stratigraphic unit encountered at the site:
- A) Moisture content;
 - B) Unconfined compression strength in tons per square foot (TSF) using a hand penetrometer; and
 - C) Unified Soil Classification System (USCS) soil classification group symbol in accordance with ASTM Standard D 2487-90, "Standard Test Method for Classification of Soils for Engineering Purposes," incorporated by reference in Section

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732.104 of this Part.

- b) Boreholes and monitoring wells shall be abandoned pursuant to regulations promulgated by the Illinois Department of Public Health at: 77 Ill. Adm. Code 920.120.

Section 732.309 Site Classification Completion Report

- a) Within 30 days of the completion of a site evaluation in accordance with Section 732.307, the owner or operator shall submit to the Agency a site classification completion report addressing all applicable elements of the site evaluation. The report shall contain all maps, diagrams, and any other information required by Section 732.307, as well as the results or conclusions of all surveys and investigations and any documentation necessary to demonstrate those results or conclusions. The report shall be submitted on forms prescribed by the Agency or in a similar format containing the same information, shall be signed by the owner or operator, and shall contain the certification of a Licensed Professional Engineer of the site's classification as "No Further Action," "Low Priority" or "High Priority" in accordance with this Subpart C.

- b) The Agency shall have the authority to review and approve, reject or require modification of any report submitted pursuant to this Section in accordance with the procedures contained in Subpart E of this Part.

Section 732.310 Indicator Contaminants

- a) For purposes of this Part, the term "indicator contaminants" shall mean the parameters listed in subsections (b) through (g) below. For petroleum products not listed below, the Agency shall determine indicator contaminants on a site by site basis.
- b) For gasoline, including but not limited to leaded, unleaded, premium and gasohol, the indicator contaminants shall be benzene and BETX (the sum of benzene, ethylbenzene, toluene and total xylenes). For leaded gasoline, lead shall also be an indicator contaminant.
- c) For aviation turbine fuels, jet fuels, diesel fuels, gas turbine fuel oils, heating fuel oils, illuminating oils, kerosene, lubricants, liquid asphalt and dust laying oils, cable oils, crude oil, crude oil fractions, petroleum feedstocks, petroleum fractions and heavy oils, the indicator contaminants shall be benzene, BETX and the polynuclear aromatics listed in Appendix A. For leaded aviation turbine fuels, lead shall also be an indicator contaminant.

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- d) For transformer oils the indicator contaminants shall be benzene, BETX, the polynuclear aromatics listed in Appendix B and the polychlorinated biphenyl parameters listed in Appendix B.

- e) For hydraulic fluids the indicator contaminants shall be benzene, BETX, the polynuclear aromatics listed in Appendix B and barium.

- f) For petroleum spirits, mineral spirits, Stoddard solvents, high-flash aromatic naphthas, moderately volatile hydrocarbon solvents and petroleum extender oils, the indicator contaminants shall be the volatile, base/neutral and polynuclear aromatic parameters listed in Appendix B. The Agency may add degradation products or mixtures of any of the above pollutants in accordance with 35 Ill. Adm. Code 620.615.

- g) For used oil the indicator contaminants shall be determined by the results of a used oil soil sample analysis. Prior to the submission of a site classification plan the owner or operator shall collect a grab sample from a location representative of soil contaminated by a release from the used oil UST. If an area of contamination cannot be identified, the sample shall be collected from beneath the used oil UST. The sample shall be analyzed for:

- 1) All volatile, base/neutral, polynuclear aromatic and metal parameters listed at Appendix B and any other parameters the Licensed Professional Engineer suspects may be present based on UST usage. The Agency may add degradation products or mixtures of any of the above pollutants in accordance with 35 Ill. Adm. Code 620.615.
- 2) The used oil indicator contaminants shall be those volatile, base/neutral, polynuclear aromatic and metal parameters listed at Appendix B or as otherwise identified at subsection (a) above that exceed their cleanup objective at Appendix B or as determined by the Agency.
- 3) If none of the parameters exceed their cleanup objective, the used oil indicator contaminants shall be benzene, BETX and the polynuclear aromatics listed in Appendix B.

Section 732.311 Groundwater Quality Standards for Indicator Contaminants

For purposes of this Part, indicator contaminant groundwater quality standards shall be the groundwater objectives specified in Appendix B for the applicable indicator contaminants, except for mixtures and degradation products as provided in Section 732.310 of this Part.

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SUBPART D: CORRECTIVE ACTION

Section 732.400 General

a) Following approval of the site evaluation and classification by the Agency or by operation of law pursuant to Subpart C of this Part and except as provided in subsection (b) below, the owner or operator of a UST system subject to the requirements of this Part shall develop and submit a corrective action plan and perform corrective action activities in accordance with the procedures and requirements contained in this Subpart D.

b) Owners or operators of sites classified in accordance with the requirements of Subpart C as "No Further Action" or "Low Priority" may choose to remediate all soil and groundwater contamination. Any owner or operator choosing full remediation shall so notify the Agency in writing prior to conducting remediation activities. A corrective action plan shall be developed and submitted to the Agency for review in accordance with Subpart E of this Part. Upon completion of the remediation activities, owners or operators choosing full remediation shall submit a corrective action completion report to the Agency. The corrective action completion report shall demonstrate that soil and groundwater have been cleaned to the levels required by Section 732.408 of this Part. Upon approval of the corrective action completion report by the Agency or by operation of law in accordance with Subpart E, a "No Further Remediation" letter shall be issued by the Agency.

BOARD NOTE: Owners or operators proceeding under subsection (b) above are advised that they may not be entitled to full payment or reimbursement. See Subpart F of this Part.

Section 732.401 Agency Authority to Initiate

Pursuant to Sections 732.100 or 732.105 of this Part, the Agency shall have the authority to require or initiate corrective action activities in accordance with the remainder of this Subpart D.

Section 732.402 "No Further Action" Site

The owner or operator of a site that has been certified as a "No Further Action" site by a Licensed Professional Engineer and approved as such by the Agency or by operation of law shall have no additional remediation responsibilities beyond those performed pursuant to Subparts B or C of this Part. Unless the Agency takes action to reject or modify the site classification completion report pursuant to Section 732.309, the Agency shall issue to the owner or operator within 120 days of the receipt of a complete report a "No Further

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intends to seek payment from the Fund, a groundwater monitoring budget plan also shall be submitted to the Agency for review. The groundwater monitoring budget plan shall include an itemized accounting of all costs associated with the implementation and completion of the groundwater monitoring plan. Groundwater monitoring plans and budgets shall be submitted on forms prescribed by the Agency or in a similar format containing the same information.

d) Groundwater analysis results obtained pursuant to subsection (b) above shall be submitted to the Agency within 30 days of the end of each annual sampling period on forms prescribed by the Agency or in a similar format containing the same information.

1) The information to be collected shall include but not be limited to the information set forth in Section 732.307(j)(5) of this Part.

2) If at any time the groundwater analysis results indicate a confirmed exceedence of the applicable indicator contaminant groundwater quality standards or Agency approved objectives as a result of the underground storage tank release of petroleum, the owner or operator shall notify the Agency of the exceedence within 30 days and provide supporting documentation of the nature and extent of the exceedence.

3) Indicator contaminant groundwater quality standards shall be determined in accordance with Section 732.311 of this Part.

e) Within 30 days of the completion of the "Low Priority" groundwater monitoring plan, the owner or operator shall submit to the Agency a groundwater monitoring completion report in accordance with Section 732.409 of this Part. If there is no confirmed exceedence of applicable indicator contaminant objectives during the three year groundwater monitoring period, the report shall contain a certification to that effect by a Licensed Professional Engineer.

f) The Agency shall review the groundwater monitoring completion report in accordance with the procedures set forth in Subpart E of this Part and shall issue a "No Further Remediation" letter to the owner or operator in accordance with Section 732.410 upon approval of the report by the Agency or by operation of law.

g) If at any time groundwater analysis results indicate a confirmed exceedence of applicable indicator contaminant objectives, the Agency may reclassify the site as a "High Priority" site within 60 days of the receipt of an annual

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Remediation" letter in accordance with Section 732.410.

Section 732.403 "Low Priority" Site

a) The owner or operator of a site that has been certified as a "Low Priority" site by a Licensed Professional Engineer and approved as such by the Agency or by operation of law shall develop a groundwater monitoring plan and perform groundwater monitoring in accordance with the requirements of this Section.

b) The owner or operator of a site certified as "Low Priority" by a Licensed Professional Engineer and approved as such by the Agency or by operation of law shall develop a groundwater monitoring plan designed to satisfy the following requirements at a minimum:

- 1) Groundwater monitoring shall be conducted for a period of three years following the Agency's approval of the site classification;
- 2) Groundwater monitoring wells shall be placed at the property line or 200 feet from the UST system, whichever is closer. The wells shall be placed in a configuration designed to provide the greatest likelihood of detecting migration of groundwater contamination;
- 3) Groundwater monitoring wells shall satisfy the requirements at Sections 732.307(j)(3) and 732.307(j)(4) of this Part;
- 4) During the first year of groundwater monitoring, samples from each well shall be collected and analyzed on a quarterly basis. During the second year of groundwater monitoring, samples from each well shall be collected and analyzed during the second and fourth quarters. During the third and final year of groundwater monitoring, at a minimum, samples from each well shall be collected and analyzed in the fourth quarter.
- 5) To determine whether groundwater quality standards or Agency approved objectives have been exceeded, samples for groundwater monitoring shall be collected and analyzed in accordance with the procedures set forth in Section 732.307(j)(5) of this Part for the applicable indicator contaminants determined pursuant to Section 732.310 of this Part.
- c) Prior to the implementation of groundwater monitoring, the owner or operator shall submit the groundwater monitoring plan to the Agency for review in accordance with Section 732.405. If the owner or operator

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groundwater sampling report, a groundwater monitoring completion report, or a notification by the owner or operator pursuant to subsection (d)(2) above. The Agency shall notify the owner or operator in writing if a site is reclassified. Notice of reclassification shall be by registered or certified mail, post marked with a date stamp and with return receipt requested. Final action shall be deemed to have taken place on the post marked date that such notice is mailed.

h) The owner or operator of a "Low Priority" site reclassified to "High Priority" pursuant to subsection (g) above shall develop and submit for Agency approval a "High Priority" corrective action plan satisfying the requirements of Section 732.404 of this Part within 120 days of receiving the notice of reclassification. If the owner or operator intends to seek reimbursement from the Fund, a corrective action plan budget also shall be submitted within 120 days of receiving the notice of reclassification.

Section 732.404 "High Priority" Site

a) The owner or operator of a site that has been certified by a Licensed Professional Engineer as a "High Priority" site and approved as such by the Agency or by operation of law shall develop a corrective action plan and perform corrective action in accordance with the requirements of this Section.

b) The owner or operator of a site certified as "High Priority" by a Licensed Professional Engineer and approved as such by the Agency or by operation of law or reclassified as "High Priority" by the Agency pursuant to Section 732.403(g) shall develop a corrective action plan based on site conditions and designed to achieve the following:

- 1) Provide that, after complete performance of the corrective action plan, applicable indicator contaminant objectives are not exceeded at the property boundary line or 200 feet from the UST system, whichever is less, as a result of the underground storage tank release for any indicator contaminant identified in the groundwater investigation;
- 2) Provide that, after complete performance of the corrective action plan, Class III special resource groundwater quality standards for Class III special resource groundwater within 200 feet of the UST system are not exceeded as a result of the underground storage tank release for any indicator contaminant identified in the groundwater investigation;

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- 3) Remediate threats due to the presence or migration, through natural or manmade pathways, of petroleum in concentrations sufficient to harm human health or human safety or to cause explosions in basements, crawl spaces, utility conduits, storm or sanitary sewers, vaults or other confined spaces or to otherwise damage property;

- 4) Remediate threats to potable water supplies; and

- 5) Remediate threats to bodies of surface water.

- c) Groundwater and soil remediation objectives shall be determined in accordance with Section 732.408 of this Part. Groundwater monitoring wells shall satisfy the requirements of Sections 732.307(j)(3) and 732.307(j)(4) of this Part.

- d) In developing the corrective action plan, additional investigation activities beyond those required for the site evaluation and classification may be necessary to determine the full extent of soil or groundwater contamination and of threats to human health or the environment. Such activities may include, but are not limited to, additional soil borings with sampling and analysis or additional groundwater monitoring wells with sampling and analysis. Such activities as are technically necessary and consistent with generally accepted engineering practices may be performed without submitting a work plan or receiving prior approval from the Agency, and associated costs may be included in a "High Priority" corrective action budget plan. A description of these activities and the results shall be included as a part of the corrective action plan.

- e) The owner or operator shall submit the corrective action plan to the Agency for review in accordance with Section 732.405 of this Part. If the owner or operator intends to seek payment from the Fund, a corrective action plan budget also shall be submitted to the Agency for review. The corrective action plan budget shall include an itemized accounting of all costs associated with the implementation and completion of the corrective action plan. The corrective action plan and corrective action plan budget shall be submitted on forms prescribed by the Agency or in a similar format containing the same information.

- f) Within 30 days of completing the performance of the "High Priority" corrective action plan, the owner or operator shall submit to the Agency a corrective action completion report in accordance with Section 732.409 of this Part.

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- g) The Agency shall review the corrective action completion report in accordance with the procedures set forth in Subpart E of this Part and shall issue a "No Further Remediation" letter to the owner or operator in accordance with Section 732.410 upon approval by the Agency or by operation of law.

Section 732.405 Plan Submittal and Review

- a) Prior to conducting any corrective action activities pursuant to this Subpart D, the owner or operator shall submit to the Agency a "Low Priority" groundwater monitoring plan or a "High Priority" corrective action plan satisfying the minimum requirements for such activities as set forth in Sections 732.403 or 732.404 of this Part, as applicable. Groundwater monitoring and corrective action plans shall be submitted on forms prescribed by the Agency or in a similar format containing the same information.

- b) In addition to the plans required in subsection (a) above and prior to conducting any groundwater monitoring or corrective action activities, any owner or operator intending to seek payment from the Fund shall submit to the Agency a groundwater monitoring or corrective action budget plan. Such budget plans shall include, but not be limited to, a copy of the eligibility and deductibility determination of the OSFM and an itemized accounting of all costs associated with the development, implementation and completion of the applicable activities. Formulation of budget plans should be consistent with the eligible and ineligible costs listed at Sections 732.605 and 732.606 of this Part. Groundwater monitoring and corrective action budget plans shall be submitted on forms prescribed by the Agency or in a similar format containing the same information.

- c) The Agency shall have the authority to review and approve, reject or require modification of any plan submitted pursuant to this Section in accordance with the procedures contained in Subpart E of this Part.

- d) Notwithstanding subsections (a) and (b) above and except as provided at Section 732.407 of this Part, an owner or operator may proceed to conduct "Low Priority" groundwater monitoring or "High Priority" corrective action activities in accordance with this Subpart D prior to the submittal or approval of an otherwise required groundwater monitoring plan or budget or corrective action plan or budget. However, any such plan shall be submitted to the Agency for review and approval, rejection or modification in accordance with the procedures contained in Subpart E of this Part prior to payment or reimbursement for any related costs or the issuance of a "No Further Remediation" letter.

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- e) If, following approval of any groundwater monitoring plan, corrective action plan or associated budget plan, an owner or operator determines that revised procedures or cost estimates are necessary in order to comply with the minimum required activities for the site, the owner or operator shall submit, as applicable, an amended groundwater monitoring plan, corrective action plan or associated budget plan for review by the Agency. The Agency shall review and approve, reject or require modifications of the amended plan in accordance with the procedures contained in Subpart E of this Part.

Section 732.406 Deferred Corrective Action; Priority List

- a) NOTWITHSTANDING ANY OTHER PROVISION OR RULE OF LAW WITH THE EXCEPTION OF THE early action requirements of Subpart B of this Part, THE OWNER OR OPERATOR WHO HAS SUBMITTED ANY budget PLAN PURSUANT TO this Part AND WHO IS ELIGIBLE FOR PAYMENT FROM THE UNDERGROUND STORAGE TANK FUND SHALL BE ELIGIBLE TO ELECT TO COMMENCE CORRECTIVE ACTION UPON THE AVAILABILITY OF FUNDS. SUCH ELECTION SHALL BE MADE IN WRITING TO THE AGENCY WITHIN 30 DAYS OF RECEIPT OF AGENCY APPROVAL OF A budget PLAN. THE AGENCY SHALL PROVIDE NOTICE TO THE OWNER OR OPERATOR AT SUCH TIME AS IT APPROVES THE budget PLAN WHETHER SUFFICIENT RESOURCES ARE AVAILABLE IN ORDER TO IMMEDIATELY COMMENCE THE APPROVED MEASURES. (Section 57.8(b) of the Act)

- 1) Approvals of budget plans shall be pursuant to Agency review or by operation of law in accordance with Subpart E of this Part.

- 2) The Agency shall monitor the availability of funds to determine whether sufficient resources exist to provide payment for approved budget plans and shall provide notice to owners or operators of the availability of funds in accordance with Section 732.503(h). Funds shall not be deemed available for owners or operators electing to defer corrective action so long as there are owners or operators on the priority list established pursuant to Section 732.603(d) of this Part awaiting forwarding of vouchers to the Office of the State Comptroller.

- 3) Upon receiving written notification that an owner or operator elects to defer corrective action until funds are available, the Agency shall place the site on a priority list for notification of availability of sufficient funds. Sites shall enter the priority list and move up based solely on the date the Agency receives the written notification of deferral, with the earliest dates having the highest priority. The Agency's record of the date of receipt shall be deemed conclusive,

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unless a contrary date is proven by a dated, signed receipt from registered or certified mail.

- 4) As funds become available, the Agency shall encumber funds for each site in the order of priority in an amount equal to the total of the approved budget plan for which deferral was sought. The Agency shall then notify owners or operators that sufficient funds have been allocated for the owner or operator's site. After such notification the owner or operator shall commence corrective action.

- 5) Authorization of payment of encumbered funds for deferred corrective action activities shall be approved in accordance with the requirements of Subpart F of this Part.

- 6) The priority list for notification of availability of sufficient funds shall be the same as that used for deferred site classification pursuant to Section 732.306 with both types of deferrals entering the list and moving up solely on the basis of the date the Agency receives written notice of the deferral.

b)

SHOULD THE AGENCY OR OWNER OR OPERATOR DETERMINE A THREAT TO HUMAN HEALTH AND/OR THE ENVIRONMENT REQUIRES IMMEDIATE ACTION, INCLUDING THE EXISTENCE OF PETROLEUM OR VAPORS WHICH THREATEN HUMAN HEALTH OR HUMAN SAFETY OR MAY CAUSE EXPLOSIONS IN BASEMENTS, CRAWL SPACES, UTILITY CONDUITS, STORM OR SANITARY SEWERS, VAULTS OR OTHER CONFINED SPACES, OR MAY OTHERWISE CAUSE ADDITIONAL PROPERTY DAMAGE, THE ELECTION TO COMMENCE CORRECTIVE ACTION UPON THE AVAILABILITY OF FUNDS SHALL NOT BE AVAILABLE. THE AGENCY SHALL NOTIFY THE OWNER OR OPERATOR BY CERTIFIED MAIL THAT A SITUATION EXISTS THAT WOULD PRECLUDE THE OWNER OR OPERATOR FROM COMMENCING CORRECTIVE ACTION UPON THE AVAILABILITY OF FUNDS. SUCH ACTION BY THE AGENCY SHALL NOT BE SUBJECT TO APPEAL. (Section 57.8(b) of the Act)

c)

An owner or operator may withdraw the election to commence corrective action upon the availability of funds at any time. The Agency shall be notified in writing of the withdrawal. Upon such withdrawal, the owner or operator shall proceed with corrective action in accordance with the requirements of this Part.

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Section 732.407 Alternative Technologies

- a) An owner or operator may choose to use an alternative technology for corrective action in response to a release of petroleum at a "High Priority" site. Corrective action plans proposing the use of alternative technologies shall be submitted to the Agency in accordance with Section 732.405 of this Part. In addition to the requirements for corrective action plans contained in Section 732.404, the owner or operator who seeks approval of an alternative technology shall submit documentation along with the corrective action plan demonstrating that:
- 1) The proposed alternative technology has a substantial likelihood of successfully achieving compliance with all applicable regulations and all corrective action remediation objectives necessary to comply with the Act and regulations and to protect human health or the environment;
 - 2) The proposed alternative technology will not adversely affect human health or the environment;
 - 3) The owner or operator will obtain all Agency permits necessary to legally authorize use of the alternative technology;
 - 4) The owner or operator will implement a program to monitor whether the requirements of subsection (a)(1) above have been met; and
 - 5) Within one year from the date of Agency approval the owner or operator will provide to the Agency monitoring program results establishing whether the proposed alternative technology will successfully achieve compliance with the requirements of subsection (a)(1) above and any other applicable regulations.
- b) An owner or operator intending to seek payment or reimbursement for costs associated with the use of an alternative technology shall submit a corresponding budget plan in accordance with Section 732.405 of this Part. In addition to the requirements for corrective action budget plans at Section 732.404 of this Part, the budget plan must demonstrate that the cost of the alternative technology will not exceed the cost of conventional technology.
- c) If an owner or operator has received approval of a corrective action plan and associated budget plan from the Agency or by operation of law prior to implementing the plan and the alternative technology fails to satisfy the requirements of subsections (a)(1) or (a)(2) above, such failure shall not make the owner or operator ineligible to seek payment or reimbursement for

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the activities associated with the subsequent performance of a corrective action using conventional technology. However, in no case shall the total payment or reimbursement for the site exceed the statutory maximums. Owners or operators implementing alternative technologies without obtaining pre-approval shall be ineligible to seek payment or reimbursement for the subsequent performance of a corrective action using conventional technology.

Section 732.408 Corrective Action Remediation Objectives

- a) For owners or operators conducting "High Priority" corrective action or corrective action pursuant to Sections 732.300(b) or 732.400(b) of this Part, the remediation objectives for the applicable indicator contaminants identified pursuant to Section 732.310 of this Part shall be the following:
 - b) Groundwater remediation objectives shall be the objectives specified in Appendix B for the applicable indicator contaminants, except for mixtures and degradation products as provided in Section 732.310 of this Part.
 - c) Soil remediation objectives shall be the objectives specified in Appendix B for the applicable indicator contaminants, except for mixtures and degradation products as provided in Section 732.310 of this Part.
 - d) An owner or operator may request that the Agency revise soil remediation objectives based on site specific conditions provided that the owner or operator demonstrates to the Agency that the revised objectives will be protective of human health and the environment. In revising soil remediation objectives, the Agency shall evaluate the following factors:
 - 1) The potential of any remaining contaminants to pose a significant threat to human health or the environment;
 - 2) Other site specific circumstances related to the practicality of continuing with remediation; and
 - 3) The management of risk relative to any remaining contamination.
- Section 732.409 Groundwater Monitoring and Corrective Action Completion Reports
- a) Within 30 days of completing the performance of a "Low Priority" groundwater monitoring plan or "High Priority" corrective action plan, the owner or operator shall submit to the Agency a groundwater monitoring completion report or a corrective action completion report.

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1) The "Low Priority" groundwater monitoring completion report shall include, but not be limited to, a narrative describing the implementation and completion of all elements of the groundwater monitoring plan and the procedures used for collection and analysis of samples, analytical results in tabular form, actual analytical results, laboratory certification and any other information or documentation relied upon by the Licensed Professional Engineer in reaching the conclusion that the requirements of the Act and regulations have been satisfied and that no further remediation is required at the site.

2) The "High Priority" corrective action completion report shall include, but not be limited to, a narrative and timetable describing the implementation and completion of all elements of the corrective action plan and the procedures used for the collection and analysis of samples, soil boring logs, actual analytical results, laboratory certification, site maps, well logs and any other information or documentation relied upon by the Licensed Professional Engineer in reaching the conclusion that the requirements of the Act and regulations have been satisfied and that no further remediation is required at the site. A "High Priority" corrective action completion report shall demonstrate the following:

- A) Applicable indicator contaminant groundwater objectives are not exceeded at the property boundary line or 200 feet from the UST system, whichever is less, as a result of the release of petroleum for any indicator contaminant identified during the groundwater investigation;
- B) Class III resource groundwater quality standards, for Class III special use resource groundwater within 200 feet of the UST system are not exceeded as a result of the release of petroleum for any indicator contaminant identified during the groundwater investigation;
- C) The release of petroleum does not threaten human health or human safety due to the presence or migration, through natural or manmade pathways, of petroleum in concentration sufficient to harm human health or human safety or to cause explosions in basements, crawl spaces, utility conduits, storm or sanitary sewers, vaults or other confined spaces, or to otherwise damage property;
- D) The release of petroleum does not threaten any surface water body; and

E) The release of petroleum does not threaten any potable water supply.

b) The applicable report shall be submitted on forms prescribed by the Agency or in a similar format containing the same information, shall be signed by the owner or operator, and shall be accompanied by a certification from a Licensed Professional Engineer that the information presented in the applicable report is accurate and complete, that groundwater monitoring or corrective action have been completed in accordance with the requirements of the Act and this Subpart D, and that no further remediation is required at the site.

c) The Agency shall have the authority to review and approve, reject or require modification of any report submitted pursuant to this Section in accordance with the procedures contained in Subpart E of this Part.

Section 732.410 "No Further Remediation" Letters

a) Upon approval by the Agency or by operation of law of a "No Further Action" site classification report, a "Low Priority" groundwater monitoring completion report, or a "High Priority" corrective action completion report, the Agency shall issue to the owner or operator a "no further remediation" letter. The "no further remediation" letter shall have the legal effect prescribed in Section 57.10 of the Act. The "no further remediation" letter shall be denied if the Agency rejects or requires modification of the applicable report.

b) The Agency shall have 120 days from the date of receipt of a complete report to issue a "no further remediation" letter and may include the "no further remediation" letter as part of the notification of approval of the applicable report in accordance with Subpart E of this Part.

c) If an applicable report is approved by operation of law pursuant to Subpart E of this Part and a "no further remediation" letter is not received from the Agency, the legal presumptions prescribed by Section 57.10 of the Act also shall become effective by operation of law.

d) The notice of denial of a "no further remediation" letter by the Agency may be included with the notification of rejection or modification of the applicable report. The reasons for the denial shall be stated in the notification. The denial shall be considered a final determination appealable to the Board in the manner provided for the review of permit decisions in Section 40 of the Act.

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SUBPART E: PLAN AND REPORT SELECTION AND REVIEW PROCEDURES

Section 732.500 General

- a) The Agency shall have the authority to review any plan or report, including any amended plan or report, submitted pursuant to this Part. All such reviews shall be subject to the procedures set forth in the Act and this Subpart E.
- b) For purposes of this Part 732, "plan" shall mean:
 - 1) Any physical soil classification or groundwater investigation plan or associated budget plan submitted pursuant to Subpart C of this Part;
 - 2) Any groundwater monitoring plan or associated budget plan submitted pursuant to Subpart D of this Part;
 - 3) Any site-specific corrective action plan or associated budget plan submitted pursuant to Subpart D of this Part; or
 - 4) Any corrective action plan submitted pursuant to Sections 732.300(b) or 732.400(b) of this Part.
- c) For purposes of this Part 732, "report" shall mean:
 - 1) Any early action report or free product removal report submitted pursuant to Subpart B of this Part;
 - 2) Any site classification completion report submitted pursuant to Subpart C of this Part;
 - 3) Any annual groundwater monitoring report submitted pursuant to Subpart D of this Part; or
 - 4) Any groundwater monitoring completion report submitted pursuant to Subpart D of this Part; or
 - 5) Any corrective action completion report submitted pursuant to Subpart D of this Part or Sections 732.300(b) or 732.400(b) of this Part.

Section 732.501 Submittal of Plans or Reports

All plans or reports shall be made on forms prescribed by the Agency or in a similar format

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containing the same information. Plans or reports shall be mailed or delivered to the address designated by the Agency. The Agency's record of the date of receipt shall be deemed conclusive unless a contrary date is proven by a dated, signed receipt from certified or registered mail.

Section 732.502 Completeness Review

- a) The Agency may review for completeness all plans submitted pursuant to this Part 732. The completeness review shall be sufficient to determine whether all information and documentation required by the Agency form for the particular plan are present. The review shall not be used to determine the technical sufficiency of a particular plan or of the information or documentation submitted along with the plan.
- b) The Agency shall have 45 days from the receipt of a plan to finish the completeness review. If the completeness review finds that the plan is complete, the Agency shall so notify the owner or operator in writing and proceed, where appropriate, to approval, rejection or modification of the substantive portions of the plan. If the completeness review finds that the plan is incomplete, the Agency shall notify the owner or operator in writing. The notification shall include an explanation of the specific type of information or documentation that the Agency deems necessary to complete the plan.
 - 1) The Agency may, to the extent consistent with Agency deadlines, provide the owner or operator with a reasonable opportunity to correct deficiencies prior to a final determination on completeness.
 - 2) The Agency shall mail notice of incompleteness by registered or certified mail, post marked with a date stamp and with return receipt requested. The decision shall be deemed to have taken place on the post marked date that such notice is mailed.
 - 3) All time limits for Agency final action on a plan or report shall be calculated from the date the Agency receives a complete plan or report.
 - c) Any budget plan submitted must be preceded or accompanied by an associated technical plan in order for the budget plan to be deemed complete.
 - d) The failure of the Agency to notify an owner or operator within 45 days that a plan is either complete or incomplete shall constitute approval of the plan by operation of law.

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Section 732.503 Full Review of Plans or Reports

- a) In addition to the completeness review for plans conducted pursuant to Section 732.502, the Agency may conduct a full review of plans or reports selected in accordance with the requirements of Section 732.504. A full review may include any or all technical or financial information, or both, relied upon by the owner or operator or Licensed Professional Engineer in developing the plan or report selected for review. The full review also may include the review of any other plans or reports submitted in conjunction with the site.
- b) The Agency shall have the authority to approve, reject or require modification of any plan or report that has been given a full review. The Agency shall notify the owner or operator in writing of its final action on any such plan or report. Except as provided in subsections (c) and (d) below, if the Agency fails to notify the owner or operator of its final action on a plan or report within 120 days of the receipt of a complete plan or report, the owner or operator may deem the plan or report approved by operation of law. If the Agency rejects a plan or report or requires modifications, the written notification shall contain the following information, as applicable:
- 1) An explanation of the specific type of information, if any, that the Agency needs to complete the full review;
 - 2) An explanation of the sections of the Act or regulations that may be violated if the plan or report is approved; and
 - 3) A statement of specific reasons why the cited sections of the Act or regulations may be violated if the plan or report is approved.

c) For "High Priority" corrective action plans submitted by owners or operators not seeking reimbursement from the Fund, the Agency may delay final action on such plans until 120 days after it receives the corrective action completion report required pursuant to Section 732.409 of this Part.

d) An owner or operator may waive the right to a final decision within 120 days of the submittal of a complete plan or report by submitting written notice to the Agency prior to the applicable deadline. Any waiver shall be for a minimum of 60 days.

e) The Agency shall mail notices of final action on plans or reports by registered or certified mail, post marked with a date stamp and with return receipt requested. Final action shall be deemed to have taken place on the post marked date that such notice is mailed.

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f) Any action by the Agency to reject or require modification of a plan or report shall be subject to appeal to the Board in the manner provided for the review of permit decisions in Section 40 of the Act. Any owner or operator may elect to incorporate modifications required by the Agency and shall do so by submitting a revised plan or report within 30 days of the receipt of the Agency's written notification. If no revised plan or report is submitted to the Agency or no appeal to the Board filed within the specified time frames, the plan or report shall be deemed approved as modified by the Agency.

g) Notification of Selection for Full Review

- 1) Owners or operators submitting plans shall be notified by the Agency within 30 days of the date the plan is deemed complete whether or not the plan has been selected for full review in accordance with Section 732.504 of this Part. Failure of the Agency to so notify the owner or operator or notification by the Agency that the plan has not been selected for full review shall constitute approval of the plan by operation of law.
- 2) Owners or operators submitting reports shall be notified by the Agency within 30 days of the receipt of the report whether or not the report has been selected for full review in accordance with Section 732.504 of this Part. Failure of the Agency to so notify the owner or operator or notification by the Agency that the report has not been selected for full review shall constitute approval of the report by operation of law.

3) Notice shall be sent and the date of notification shall be computed in accordance with subsection (e) above.

h) In accordance with Sections 732.306 and 732.406 of this Part, upon the approval of any budget plan by the Agency or by operation of law, the Agency shall include as part of the final notice to the owner or operator a statement of whether or not the Fund contains sufficient resources in order to immediately commence the approved measures.

Section 732.504 Selection of Plans or Reports for Full Review

a) The Agency shall select for full review a reasonable number of each type of plan or report. The number of plans or reports selected for full review shall be determined by the Agency based on the resources available to the Agency, the potential environmental impact at the site, the financial and technical complexity of the plan or report, and experience with prior reviews. To assure consistency and fairness in the selection process, the Agency

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shall follow a selection process that has the following goals:

- 1) A full technical and financial review of every "High Priority" corrective action plan, associated budget plan, and completion report submitted pursuant to Subpart D of this Part;
- 2) A full technical and financial review of every corrective action plan, associated budget plan, and completion report submitted pursuant to Sections 732.300(b) or 732.400(b) of this Part;
- 3) A full technical review of approximately 20% of the site classification reports submitted pursuant to Subpart C of this Part;

4) Site Classification Plans

- i) A full technical review of any site classification plan (including physical soil classification and groundwater investigation plans) for which the associated site classification report was selected for full review or that has an associated budget plan exceeding the typical cost for such plans as determined by the Agency;
- ii) A full financial review of any site classification budget plan exceeding the typical cost for such plans as determined by the Agency;

5) "Low Priority" Groundwater Monitoring Plans

- i) A full technical review of any "Low Priority" groundwater monitoring plan that has an associated budget plan exceeding the typical cost for such plans as determined by the Agency;
- ii) A full financial review of any "Low Priority" groundwater monitoring budget plan exceeding the typical cost for such plans as determined by the Agency;

6) A full technical review of any "Low Priority" annual groundwater sampling and analysis report or any groundwater monitoring completion report submitted pursuant to Subpart D of this Part;

7) A full technical review of any 20-day report, 45-day report, or free product report submitted pursuant to Subpart B of this Part in conjunction with the review of another plan or report selected in accordance with this Section.

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- b) The Agency may conduct a full review of any plan or report not selected in accordance with the provisions of this Section if the Agency has reason to believe that such review is necessary in conjunction with the review of another plan or report selected for that site.
- c) Notwithstanding any other limitations on reviews, the Agency may conduct a full technical review on any plan or report identified in this Section that concerns a site for which an investigation has been or may be initiated pursuant to Section 732.105 of this Part.
- d) Agency decisions on whether or not to select a plan or report for full review shall not be subject to appeal.

Section 732.505 Standards of Review for Plans and Reports

- a) A full technical review shall consist of a detailed review of the steps proposed or completed to accomplish the goals of the plan and to achieve compliance with the Act and regulations. Items to be reviewed, if applicable, shall include, but not be limited to, number and placement of wells and borings, number and types of samples and analysis, results of sample analysis, and protocols to be followed in making determinations. The overall goal of the technical review for plans shall be to determine if the plan is sufficient to satisfy the requirements of the Act and regulations and has been prepared in accordance with generally accepted engineering practices. The overall goal of the technical review for reports shall be to determine if the plan has been fully implemented in accordance with generally accepted engineering practices, if the conclusions are consistent with the information obtained while implementing the plan, and if the requirements of the Act and regulations have been satisfied.

- b) If the Licensed Professional Engineer certifies that there is no evidence that, through natural or manmade pathways, migration of petroleum or vapors threaten human health or human safety or may cause explosions in basements, crawl spaces, utility conduits, storm or sanitary sewers, vaults or other confined spaces, or may otherwise cause property damage, the Licensed Professional Engineer's certification to that effect shall be presumed correct unless the Agency's review reveals objective evidence to the contrary.

- c) A full financial review shall consist of a detailed review of the costs associated with each element necessary to accomplish the goals of the plan as required pursuant to the Act and regulations. Items to be reviewed shall include, but not be limited to, costs associated with any materials, activities or services that are included in the budget plan. The overall goal of the

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financial review shall be to assure that costs associated with materials, activities and services shall be reasonable, shall be consistent with the associated technical plan, shall be incurred in the performance of corrective action activities, and shall not be used for corrective action activities in excess of those necessary to meet the minimum requirements of the Act and regulations.

SUBPART F: PAYMENT OR REIMBURSEMENT

Section 732.600 General

The Agency shall have the authority to review any application for payment or reimbursement and to authorize payment or reimbursement from the Fund or such other funds as the legislature directs for corrective action activities conducted pursuant to the Act and this Part 732. For purposes of this Part and unless otherwise provided, the use of the word "payment" shall include reimbursement. The submittal and review of applications for payment and the authorization for payment shall be in accordance with the procedures set forth in the Act and this Subpart F.

Section 732.601 Applications for Payment

- a) An owner or operator seeking payment from the Fund shall submit to the Agency an application for payment on forms prescribed by the Agency or in a similar format containing the same information. The owner or operator may submit an application for partial payment or final payment for materials, activities or services contained in an approved budget plan. An application for payment also may be submitted for materials, activities or services for early action conducted pursuant to Subpart B of this Part and for which no budget plan is required.
- b) A complete application for payment shall consist of the following elements:
 - 1) A certification from a Licensed Professional Engineer acknowledged by the owner or operator that the work performed has been in accordance with a technical plan approved by the Agency or by operation of law or, for early action activities, in accordance with Subpart B;
 - 2) A statement of the amount approved in the corresponding budget plan and the amount actually sought for payment along with a certified statement by the owner or operator that the amount so sought has been expended in conformance with the elements of a budget plan approved by the Agency or by operation of law;

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- 3) A copy of the OSFM eligibility and deductibility determination;
 - 4) Proof that approval of the payment requested will not exceed the limitations set forth in the Act and Section 732.604 of this Part;
 - 5) A federal taxpayer identification number and legal status disclosure certification;
 - 6) A Private Insurance Coverage form; and
 - 7) A Minority/Women's Business Usage form.
- c) Applications for payment shall be mailed or delivered to the address designated by the Agency. The Agency's record of the date of receipt shall be deemed conclusive unless a contrary date is proven by a dated, signed receipt from certified or registered mail.
 - d) Applications for partial or final payment may be submitted no more frequently than once every 90 days.
 - e) Except for applications for payment for costs of early action conducted pursuant to Subpart B of this Part, in no case shall the Agency review an application for payment unless there is an approved budget plan on file corresponding to the application for payment.
 - f) In no case shall the Agency authorize payment to an owner or operator in an amount greater than the amount approved by the Agency or by operation of law in a corresponding budget plan. Revised cost estimates or increased costs resulting from revised procedures must be submitted to the Agency for review in accordance with Subpart E of this Part using amended budget plans in accordance with Sections 732.305(e) or 732.405(e) of this Part.
- Section 732.602 Review of Applications for Payment
- a) The Agency shall conduct a review of any application for payment submitted pursuant to this Part 732. Each application for payment shall be reviewed to determine whether the application contains all of the elements and supporting documentation required by Section 732.601(b) of this Part and whether the amounts sought for payment have been certified in accordance with Section 732.601(b)(2) of this Part as equal to or less than the amounts approved in the corresponding budget plan.
 - b) The Agency may conduct a full review of any application for payment:

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- 1) If the amounts sought for payment exceed the amounts approved in the corresponding budget plan;
- 2) To determine whether an application for payment filed pursuant to Section 732.601 of this Part is fraudulent; or
- 3) If the application for payment includes costs for early action activities conducted pursuant to Subpart B of this Part and either of the following circumstances exist:

- A) The application for payment is solely for early action costs that have not been approved as part of a prior budget plan; or
- B) The application for payment includes early action costs that have not been approved as part of a prior budget plan, except that only the portion of the application for the unapproved early action costs may be given a full review.

c) When conducting a full review of any application for payment, the Agency may require the owner or operator to submit documentation, receipts and invoices supporting all claims as provided in subsection (d) below.

d) A full review of an application for payment shall be sufficient to determine which line items contained in the application for payment have caused the application for payment to exceed the corresponding approved budget plan pursuant to subsection (b)(1) above, which line items, if any, are ineligible for payment pursuant to subsections (b)(2) or (b)(3) above, and whether there is sufficient documentation to demonstrate that line items have been completed in accordance with a plan approved by the Agency or by operation of law. A full review may include review of any or all elements and supporting documentation relied upon by the owner or operator in developing the application for payment, including but not limited to a review of invoices or receipts supporting all claims. The full review also may include the review of any plans or reports previously submitted for the site to ensure that the application for payment is consistent with work proposed and actually performed in conjunction with the site.

e) Following a review, the Agency shall have the authority to approve, deny or require modification of applications for payment or portions thereof. The Agency shall notify the owner or operator in writing of its final action on any such application for payment. Except as provided in subsection (f) below, if the Agency fails to notify the owner or operator of its final action on an application for payment within 120 days of the receipt of a complete application for payment, the owner or operator may deem the application for

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payment approved by operation of law. If the Agency denies payment for an application for payment or for a portion thereof or requires modification, the written notification shall contain the following information, as applicable:

- 1) An explanation of the specific type of information, if any, that the Agency needs to complete the full review;
- 2) An explanation of the sections of the Act or regulations that may be violated if the application for payment is approved; and
- 3) A statement of specific reasons why the cited sections of the Act or regulations may be violated if the application for payment is approved.

f) An owner or operator may waive the right to a final decision within 120 days of the submittal of a complete application for payment by submitting written notice to the Agency prior to the applicable deadline. Any waiver shall be for a minimum of 30 days.

g) The Agency shall mail notices of final action on applications for payment by registered or certified mail, post marked with a date stamp and with return receipt requested. Final action shall be deemed to have taken place on the post marked date that such notice is mailed.

h) Any action by the Agency to deny payment for an application for payment or portion thereof or to require modification shall be subject to appeal to the Board in the manner provided for the review of permit decisions in Section 40 of the Act. Any owner or operator may elect to incorporate modifications required by the Agency and shall do so by submitting a revised application for payment within 30 days of the receipt of the Agency's written notification. If no revised application for payment is submitted to the Agency or no appeal to the Board filed within the specified timeframes, the application for payment shall be deemed approved as modified by the Agency and payment shall be authorized in the amount approved.

Section 732.603 Authorization for Payment; Priority List

a) Within 60 days of notification of an owner or operator that the application for payment or a portion thereof has been approved by the Agency or by operation of law, the Agency shall forward to the Office of the State Comptroller in accordance with subsections (c) or (d) below a voucher in the amount approved. If the owner or operator has filed an appeal with the Board of the Agency's final decision on an application for payment, the Agency shall have 60 days from the final resolution of the appeal to forward

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to the Office of the State Comptroller a voucher in the amount ordered as a result of the appeal. Notwithstanding the time limits imposed by this Section, the Agency shall not forward vouchers to the Office of the State Comptroller until sufficient funds are available to issue payment.

- b) Any deductible, as determined by the OSFM, shall be subtracted from any amount approved for payment by the Agency or by operation of law.
- c) For owners or operators who have deferred site classification or corrective action in accordance with Sections 732.306 or 732.406 of this Part, payment shall be authorized from funds encumbered pursuant to Sections 732.306(a)(4) or 732.406(a)(4) of this Part upon approval of the application for payment by the Agency or by operation of law.
- d) For owners or operators not electing to defer site classification or corrective action in accordance with Sections 732.306 or 732.406 of this Part, the Agency shall form a priority list for the issuance of vouchers pursuant to subsection (a) above.

1) All such applications for payment shall be assigned a date that is the date upon which the complete application for partial or final payment was received by the Agency. This date shall determine the owner or operator's priority for payment in accordance with subsection (d)(2) below, with the earliest dates receiving the highest priority.

2) Once payment is approved by the Agency or by operation of law or ordered by the Board or courts, the application for payment shall be assigned priority in accordance with subsection (d)(1) above. The assigned date shall be the only factor determining the priority for payment for those applications approved for payment.

Section 732.604 Limitations on Total Payments

a) Limitations per occurrence:

- 1) THE AGENCY SHALL NOT APPROVE ANY PAYMENT FROM THE FUND TO PAY AN OWNER OR OPERATOR FOR COSTS OF CORRECTIVE ACTION INCURRED BY SUCH OWNER OR OPERATOR IN AN AMOUNT IN EXCESS OF 1,000,000 PER OCCURRENCE. (Section 57.8(g) of the Act)
- 2) THE AGENCY SHALL NOT APPROVE ANY PAYMENT FROM THE FUND TO PAY AN OWNER OR OPERATOR FOR COSTS OF INDEMNIFICATION OF SUCH OWNER OR OPERATOR IN AN

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AMOUNT IN EXCESS OF 1,000,000 PER OCCURRENCE. (Section 57.8(g) of the Act)

b) Aggregate limitations:

- 1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS Part 732, THE AGENCY SHALL NOT APPROVE PAYMENT TO AN OWNER OR OPERATOR FROM THE FUND FOR COSTS OF CORRECTIVE ACTION OR INDEMNIFICATION INCURRED DURING A CALENDAR YEAR IN EXCESS OF THE FOLLOWING AMOUNTS BASED ON THE NUMBER OF PETROLEUM UNDERGROUND STORAGE TANKS OWNED OR OPERATED BY SUCH OWNER OR OPERATOR IN ILLINOIS:

AMOUNT	NUMBER OF TANKS
\$1,200,000	FEWER THAN 101
\$2,000,000	101 OR MORE

2) COSTS INCURRED IN EXCESS OF THE AGGREGATE AMOUNTS SET FORTH IN subsection (b)(1) above SHALL NOT BE ELIGIBLE FOR PAYMENT IN SUBSEQUENT YEARS. (Section 57.8(d) of the Act)

c) FOR PURPOSES OF THIS Section, REQUESTS SUBMITTED BY ANY OF THE AGENCIES, DEPARTMENTS, BOARDS, COMMITTEES OR COMMISSIONS OF THE STATE OF ILLINOIS SHALL BE ACTED UPON AS CLAIMS FROM A SINGLE OWNER OR OPERATOR. (Section 57.8(d) of the Act)

d) FOR PURPOSES OF THIS Section, OWNER OR OPERATOR INCLUDES (i) ANY SUBSIDIARY, PARENT, OR JOINT STOCK COMPANY OF THE OWNER OR OPERATOR AND (ii) ANY COMPANY OWNED BY ANY PARENT, SUBSIDIARY, OR JOINT STOCK COMPANY OF THE OWNER OR OPERATOR. (Section 57.8(d) of the Act)

Section 732.605 Eligible Costs

a) Types of costs that may be eligible for payment from the Fund include those for corrective action activities and for materials or services provided or performed in conjunction with corrective action activities. Such activities and services may include but are not limited to:

- 1) Early action activities conducted pursuant to Subpart B of this Part;
- 2) Engineering oversight services;

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- 3) Remedial investigation and design;
- 4) Feasibility studies;
- 5) Laboratory services necessary to determine site classification and whether the established corrective action objectives have been met;
- 6) Installation and operation of groundwater investigation and groundwater monitoring wells;
- 7) The removal, treatment, transportation and disposal of soil contaminated by petroleum at levels in excess of the established corrective action objectives;
- 8) The removal, treatment, transportation and disposal of water contaminated by petroleum at levels in excess of the established corrective action objectives;
- 9) The placement of clean backfill to grade to replace excavated soil contaminated by petroleum at levels in excess of the established corrective action objectives;
- 10) Groundwater corrective action systems;
- 11) Alternative technology;
- 12) Recovery of free phase petroleum from groundwater;
- 13) The removal and disposal of any UST if a release of petroleum from the UST was identified and IEMA was notified prior to its removal;
- 14) Costs incurred as a result of a release of petroleum because of vandalism, theft or fraudulent activity by a party other than an owner, operator or their agent;
- 15) Engineering costs associated with seeking payment or reimbursement from the Fund including, but not limited to, completion of an application for partial or final payment;
- 16) Costs associated with obtaining an Eligibility and Deductibility Determination from the OSFM;
- 17) Costs for destruction and replacement of concrete, asphalt and paving to the extent necessary to conduct corrective action and if the

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destruction and replacement has been certified as necessary to the performance of corrective action by a Licensed Professional Engineer;

- 18) The destruction or dismantling and reassembly of above grade structures in response to a release of petroleum if such activity has been certified as necessary to the performance of corrective action by a Licensed Professional Engineer. For purposes of this subsection, destruction, dismantling or reassembly of above grade structures do not include costs associated with replacement of pumps, pump islands, buildings, wiring, lighting, bumpers, posts or canopies; and
- 19) Preparation of site classification plans (including physical soil classification and groundwater investigation plans) and associated budget plans, site classification reports, groundwater monitoring plans and associated budget plans, groundwater monitoring completion reports, "High Priority" corrective action plans and associated budget plans, and "High Priority" corrective action completion reports.

- b) An owner or operator may submit a budget plan or application for partial or final payment that includes an itemized accounting of costs associated with activities, materials or services not identified in subsection (a) above if the owner or operator submits detailed information demonstrating that the activities, materials or services not identified in subsection (a) above are essential to the completion of the minimum corrective action requirements of the Act and this Part 732.

Section 732.606 Ineligible Costs

Costs ineligible for payment from the Fund include but are not limited to:

- a) Costs for the removal of more than four feet of fill material from the outside dimensions of the UST during early action activities conducted pursuant to Section 732.202(f);
- b) Costs or losses resulting from business interruption;
- c) Costs incurred as a result of vandalism, theft or fraudulent activity by the owner or operator or their agent, including the creation of spills, leaks or releases;
- d) Costs associated with the replacement of above grade structures such as pumps, pump islands, buildings, wiring, lighting, bumpers, posts or canopies, including but not limited to those structures destroyed or damaged during

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corrective action activities;

- e) COSTS OF CORRECTIVE ACTION OR INDEMNIFICATION INCURRED BY AN OWNER OR OPERATOR PRIOR TO JULY 28, 1989 (Section 57.8(j) of the Act);
- f) Costs associated with the procurement of a generator identification number;
- g) LEGAL DEFENSE COSTS INCLUDING LEGAL COSTS FOR SEEKING PAYMENT UNDER these regulations UNLESS THE OWNER OR OPERATOR PREVAILS BEFORE THE BOARD and the Board authorizes payment of legal fees (Section 57.8(l) of the Act);
- h) Purchase costs of non-expendable materials, supplies, equipment or tools, except that a reasonable rate may be charged for the usage of such materials, supplies, equipment or tools;
- i) Costs associated with activities that violate any provision of the Act or Board or Agency regulations;
- j) Costs associated with investigative action, preventive action, corrective action, or enforcement action taken by the State of Illinois if the owner or operator failed, without sufficient cause, to respond to a release or substantial threat of a release upon, or in accordance with, a notice issued by the Agency pursuant to Section 732.105 of this Part and Section 57.12 of the Act;
- k) Costs for removal, disposal or abandonment of an UST if the tank was removed or abandoned, or permitted for removal or abandonment, by the OSFM before the owner or operator provided notice to IEMA of a release of petroleum;
- l) Costs associated with the installation of new USTs and the repair of existing USTs;
- m) Costs exceeding those contained in a budget plan or amended budget plan approved by the Agency or by operation of law;
- n) Costs of corrective action or indemnification incurred before providing notification of the release of petroleum to IEMA in accordance with Section 732.202 of this Part;
- o) Costs for corrective action activities and associated materials or services exceeding the minimum requirements necessary to comply with the Act;

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- p) Costs associated with improperly installed sampling or monitoring wells;
- q) Costs associated with improperly collected, transported or analyzed laboratory samples;
- r) Costs associated with the analysis of laboratory samples for constituents other than applicable indicator contaminants or groundwater objectives;
- s) Costs for any corrective activities, services or materials unless accompanied by a letter from OSFM confirming eligibility and deductibility in accordance with Section 57.9 of the Act;
- t) Interest or finance costs charged as direct costs;
- u) Insurance costs charged as direct costs;
- v) Indirect corrective action costs for personnel, materials, service or equipment charged as direct costs;
- w) Costs associated with the compaction and density testing of backfill material;
- x) Costs associated with sites that have not reported a release to IEMA or are not required to report a release to IEMA;
- y) Costs related to activities, materials or services not necessary to stop, minimize, eliminate, or clean up a release of petroleum or its effects in accordance with the minimum requirements of the Act and regulations;
- z) Costs incurred after completion of early action activities in accordance with Subpart B by owners or operators choosing to conduct full remediation pursuant to Section 732.300(b) of this Part;
- aa) Costs incurred after completion of site classification activities in accordance with Subpart C by owners or operators choosing to conduct full remediation pursuant to Section 732.400(b) of this Part;
- bb) Costs of alternative technology that exceed the costs of conventional technology; and
- cc) Costs for investigative activities and related services or materials for developing a "High Priority" corrective action plan that are unnecessary or inconsistent with generally accepted engineering practices or unreasonable costs for justifiable activities, materials or services.

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Section 732.607 Payment for Handling Charges

HANDLING CHARGES ARE ELIGIBLE FOR PAYMENT ONLY IF THEY ARE EQUAL TO OR LESS THAN THE AMOUNT DETERMINED BY THE FOLLOWING TABLE (Section 57.8(g) of the Act):

SUBCONTRACT OR FIELD PURCHASE COST:	ELIGIBLE HANDLING CHARGES AS A PERCENTAGE OF COST:
\$0 - \$5,000	12%
\$5,001 - \$15,000	\$600 PLUS 10% OF AMOUNT OVER \$5,000
\$15,001 - \$50,000	\$1,600 PLUS 8% OF AMOUNT OVER \$15,000
\$50,001 - \$100,000	\$4,400 PLUS 5% OF AMOUNT OVER \$50,000
\$100,000 - \$1,000,000	\$6,900 PLUS 2% OF AMOUNT OVER \$100,000

Section 732.608 Apportionment of Costs

The Agency may apportion payment of costs if:

- THE OWNER OR OPERATOR WAS DEEMED ELIGIBLE TO ACCESS THE FUND FOR PAYMENT OF CORRECTIVE ACTION COSTS FOR SOME, BUT NOT ALL, OF THE UNDERGROUND STORAGE TANKS AT THE SITE; AND
- THE OWNER OR OPERATOR FAILED TO JUSTIFY ALL COSTS ATTRIBUTABLE TO EACH UNDERGROUND STORAGE TANK AT THE SITE. (Section 57.8(m) of the Act)

Section 732.609 Subrogation of Rights

PAYMENT OF ANY AMOUNT FROM THE FUND FOR CORRECTIVE ACTION OR INDEMNIFICATION SHALL BE SUBJECT TO THE STATE ACQUIRING BY SUBROGATION THE RIGHTS OF ANY OWNER, OPERATOR, OR OTHER PERSON TO RECOVER THE COSTS OF CORRECTIVE ACTION OR INDEMNIFICATION FOR WHICH THE FUND HAS COMPENSATED SUCH OWNER, OPERATOR, OR PERSON FROM THE PERSON RESPONSIBLE OR LIABLE FOR THE RELEASE. (Section 57.8(h) of the Act)

Section 732.610 Indemnification

- Upon submittal of a request for indemnification for payment of costs incurred as a result of a release of petroleum from an underground storage tank, the Agency shall review the application for payment in accordance with this Subpart F.

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- If the application for payment of the costs of indemnification is deemed complete and otherwise satisfies all applicable requirements of this Subpart F, the Agency shall forward the request for indemnification to the Office of the Attorney General for review and approval in accordance with the Act. The owner or operator's request for indemnification shall not be placed on the priority list for payment until the Agency has received the written approval of the Attorney General. The approved application for payment shall then enter the priority list established at Section 732.603(d)(1) of this Part based on the date the complete application was received by the Agency.

Section 732.611 Costs Covered By Insurance, Agreement or Court Order

COSTS OF CORRECTIVE ACTION OR INDEMNIFICATION INCURRED BY AN OWNER OR OPERATOR WHICH HAVE BEEN PAID TO AN OWNER OR OPERATOR UNDER A POLICY OF INSURANCE, ANOTHER WRITTEN AGREEMENT, OR A COURT ORDER ARE NOT ELIGIBLE FOR PAYMENT FROM THE FUND. AN OWNER OR OPERATOR WHO RECEIVES PAYMENT UNDER A POLICY OF INSURANCE, ANOTHER WRITTEN AGREEMENT, OR A COURT ORDER SHALL REIMBURSE THE STATE TO THE EXTENT SUCH PAYMENT COVERS COSTS FOR WHICH PAYMENT WAS RECEIVED FROM THE FUND. (Section 57.8(e) of the Act)

Section 732.612 Determination and Collection of Excess Payments

- If, for any reason, the Agency determines that an excess payment has been paid from the Fund, the Agency may take steps to collect the excess amount pursuant to subsection (c) below.
 - Upon identifying an excess payment, the Agency shall notify the owner or operator receiving the excess payment by certified or registered mail, return receipt requested.
 - The notification letter shall state the amount of the excess payment and the basis for the Agency's determination that the payment is in error.
 - The Agency's determination of an excess payment shall be subject to appeal to the Board in the manner provided for the review of permit decisions in Section 40 of the Act.
- An excess payment from the Fund includes, but is not limited to:
 - Payment for a non-corrective action cost;
 - Payment in excess of the limitations on payments set forth in

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Sections 732.604 and 732.607 of this Part;

- 3) Payment received through fraudulent means;
 - 4) Payment calculated on the basis of an arithmetic error;
 - 5) Payment calculated by the Agency in reliance on incorrect information.
- c) Excess payments may be collected using any of the following procedures:
- 1) Upon notification of the determination of an excess payment in accordance with subsection (a) above or pursuant to a Board order affirming such determination upon appeal, the Agency may attempt to negotiate a payment schedule with the owner or operator. Nothing in this subsection (c)(1) shall prohibit the Agency from exercising at any time its options at subsections (c)(2) or (c)(3) below or any other collection methods available to the Agency by law.
 - 2) If an owner or operator submits a subsequent claim for payment after previously receiving an excess payment from the Fund, the Agency may deduct the excess payment amount from any subsequently approved payment amount. If the amount subsequently approved is insufficient to recover the entire amount of the excess payment, the Agency may use the procedures in this section or any other collection methods available to the Agency by law to collect the remainder.
 - 3) The Agency may deem an excess payment amount to be a claim or debt owed the Agency, and the Agency may use the Comptroller's Setoff System for collection of the claim or debt in accordance with the "State Comptroller Act." 15 ILCS 405/10.05 (1993).

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Section 732. Appendix A Indicator Contaminants

TANK CONTENTS

INDICATOR CONTAMINANTS

GASOLINE

benzene
BETX¹

lead², unleaded, premium and gasohol

MIDDLE DISTILLATE AND HEAVY ENDS

aviation turbine fuels²
jet fuels
diesel fuels
gas turbine fuel oils
heating fuel oils
illuminating oils
kerosene
lubricants
liquid asphalt and dust laying oils
cable oils
crude oil, crude oil fractions
petroleum feedstocks
petroleum fractions
heavy oils
transformer oils³
hydraulic fluids⁴
petroleum spirits⁵
mineral spirits⁵, Stoddard solvents⁵
high-flash aromatic naphthas⁵
VM&P naphthas⁵
moderately volatile hydrocarbon solvents⁵
petroleum extender oils⁵

USED OIL

screening sample⁶

- (1) BETX is the sum of the benzene, ethylbenzene, toluene and total xylene concentrations.
- (2) lead is also an indicator contaminant
- (3) the polychlorinated biphenyl parameters listed in Appendix B are also indicator contaminants
- (4) barium is also an indicator contaminant
- (5) the volatile, base/neutral and polynuclear aromatic parameters listed in Appendix B are also indicator contaminants
- (6) waste oil indicator contaminants shall be based on the results of a waste oil soil sample analysis - refer to 732.311(g)
- (7) acenaphthylene, benzo(g,h,i)perylene and phenanthrene

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Section 732. Appendix B Groundwater and Soil Remediation Objectives and Acceptable Detection Limits

Parameters	Objectives		ADLs ¹	
	Soil (mg/kg)	Groundwater (mg/l)	Soil (mg/kg)	Groundwater (mg/l)
<u>Volatiles</u>				
1. Benzene	0.005	0.005		
2. Bromoform	0.001	0.001		0.001
3. Carbon tetrachloride	0.005	0.005	0.002	
4. Chlorobenzene	0.1	0.1		
5. Chloroform	0.0002	0.0002	0.0002	0.0002
6. Dichlorobromomethane	0.0002	0.0002	0.0002	0.0002
7. 1,2-Dichloroethane	0.005	0.005		
8. 1,1-Dichloroethene	0.007	0.007		
9. cis-1,2-Dichloroethene	0.07	0.07		
10. trans-1,2-Dichloroethene	0.01	0.01		
11. Dichloromethane	0.005	0.005		
12. 1,2-Dichloropropane	0.005	0.005		
13. cis-1,3-Dichloropropene	0.001	0.001	0.005	0.001
14. trans-1,3-Dichloropropene	0.001	0.001	0.005	0.001
15. Ethylbenzene	0.7	0.7		
16. Styrene	0.1	0.1		
17. Tetrachloroethene	0.005	0.005		
18. Toluene	1.0	1.0		
19. 1,1,1-Trichloroethane	0.2	0.2		
20. 1,1,2-Trichloroethane	0.005	0.005		
21. Trichloroethene	0.005	0.005		
22. Vinyl chloride	0.002	0.002		
23. Xylenes (total)	10.0	10.0		
24. BETX (total)	11.705	11.705		

Base/Neutrals

1. Bis(2-chloroethyl)ether	0.01			
2. Bis(2-ethylhexyl)phthalate	0.12			
3. 1,2-Dichlorobenzene	12.0	0.06	0.66	0.01
4. 1,4-Dichlorobenzene	1.5	0.075	0.18	0.006
5. Hexachlorobenzene	0.01	0.0005		
6. Hexachlorocyclopentadiene	1.0	0.05	0.034	0.0005
7. N-Nitrosodi-n-propylamine	0.01	0.01	0.66	0.01
8. N-Nitrosodiphenylamine	0.01	0.01	0.66	0.01
9. 1,2,4-Trichlorobenzene	1.4	0.07		

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<u>Polynuclear Aromatics</u>				
1. Acenaphthene	8.4	0.42		
2. Anthracene	42.0	2.1		
3. Benzo(a)anthracene	0.0026	0.00013	0.0087	0.00013
4. Benzo(a)pyrene	0.004	0.0002	0.015	0.00023
5. Benzo(b)fluoranthene	0.0036	0.00018	0.012	0.00018
6. Benzo(k)fluoranthene	0.0034	0.00017	0.011	0.00017
7. Chrysene	0.003	0.00015	0.1	0.0015
8. Dibenzof(a,h)anthracene	0.006	0.0003	0.02	0.003
9. Fluoranthene	5.6	0.28		
10. Fluorene	5.6	0.28		
11. Indeno(1,2,3-c,d)pyrene	0.0086	0.00043	0.029	0.00043
12. Naphthalene	0.025	0.025		
13. Pyrene	4.2	0.21		
14. other				
Non-Carcinogenic				
PNAs (total)				
Acenaphthylene				
Benzo(g,h,i)perylene				
Phenanthrene				
4.2				
<u>Metals²</u>				
1. Arsenic	0.05	0.05		
2. Barium	2.0	2.0		
3. Cadmium	0.005	0.005		
4. Chromium (total)	0.1	0.1		
5. Lead	0.0075	0.0075		
6. Mercury	0.002	0.002		
7. Selenium	0.05	0.05		
<u>Acids</u>				
1. Pentachlorophenol	0.02	0.001	2.4	0.001
2. Phenol (total)	0.1	0.1		
3. 2,4,6-Trichlorophenol	0.128	0.0064	0.43	0.0064
<u>Pesticides</u>				
1. Aldrin	0.0008	0.00004	0.003	0.00004
2. alpha-BHC	0.0006	0.00003	0.002	0.00003
3. Chlordane	0.04	0.002		
4. 4,4'-DDE	0.0008	0.00004	0.0027	0.00004
5. 4,4'-DDD	0.0022	0.00011	0.0074	0.00011
6. 4,4'-DDT	0.0024	0.00012	0.008	0.00012
7. Dieldrin	0.0004	0.00002	0.0013	0.00002
8. Endrin	0.04	0.002		

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9. Heptachlor	0.008	0.0004	
10. Heptachlor epoxide	0.004	0.0002	0.056
11. Lindane (gamma-BHC)	0.0002	0.0002	0.0027
12. Toxaphene	0.003	0.003	0.16

Polychlorinated Biphenyls

1. Polychlorinated Biphenyls
(as Decachlorobiphenyl) *

0.0005

* See 40 CFR 761.120, as incorporated by reference at Section 732.104, for USEPA "PCB Spill Cleanup Policy."

- 1) Acceptable Detection Limit - "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods," EPA Publication No. SW-846, as incorporated by reference at Section 732.104 of this Part, must be used. For parameters where the specified objective is below the ADL, the ADL shall serve as the objective until the USEPA promulgates lower ADLs. When promulgated, the new USEPA ADL or the specified objective, whichever is higher, shall apply. For other parameters the ADL must be below the specified cleanup objective.

- 2) For soil, based upon the concentration determined by the Method 1311 Toxicity Characteristic Leaching Procedure (TCLP) at 40 CFR 261, Appendix II, as incorporated by reference at Section 732.104 of this Part.

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- 1) Heading of the Part: Marriage and Family Therapy Licensing Act
- 2) Code Citation: 68 Ill. Adm. Code 1283

- 3) Section Numbers: Proposed Action:

1283.10	New Section
1283.20	New Section
1283.30	New Section
1283.40	New Section
1283.50	New Section
1283.60	New Section
1283.70	New Section
1283.80	New Section
1283.90	New Section
1283.100	New Section
1283.120	New Section

- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 111, par. 8351-20 [225 ILCS 55/20].

- 5) A Complete Description of the Subjects and Issues Involved:

Public Act 87-783, effective January 1, 1992, provided for the licensure of marriage and family therapists by the Department of Professional Regulation. The General Assembly provided funding for FY 1994 to implement the Act. When adopted, these rules will allow the Department to begin processing licensure applications.

Section 1283.10 establishes procedures for those applying for a temporary license under Section 50 of the Act. Applications from qualified applicants must be postmarked no later than midnight December 31, 1995, to obtain a temporary license without examination under this "grandfather" provision of the Act.

Section 1283.20 details how experience and clinical supervision requirements of the Act can be met. One year of work experience is defined as a minimum of 1400 hours of professional work experience providing marriage and family services. Supervision is defined as the direct clinical review, for the purposes of training or teaching by a supervisor, of the applicant's interaction with a client.

Education requirements, including the applicant's graduate coursework curriculum choices, are detailed in Section 1283.30.

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The examination for licensed marriage and family therapists is established as the Association of Marital and Family Therapy Regulatory Board's (AMFTRB) Examination in Marital and Family Therapy. The passing score on the exam shall be the passing score of the testing entity. An applicant for examination will be required to file an application, on forms supplied by the Department, at least 90 days prior to an examination date.

Application guidelines also are provided for those licensed or registered in other jurisdictions who wish to be licensed in Illinois as marriage and family therapists.

The first renewal period for licenses issued under the Act is established as February 28, 1997. Thereafter, every registration issued under the Act will expire in February of odd-numbered years.

Provisions are made for licensed marriage and family therapists who wish to place their licenses on inactive status. That enables licensees to be excused from paying renewal fees until they notify the Department in writing of their intention to resume active practice.

There is a professional conduct Section that says therapists must not perform, nor pretend to be able to perform, professional services beyond their scope of practice. The Model Code of Ethics of the Association of Marital and Family Therapy Regulatory Boards and the American Association for Marriage and Family Therapy (AAMFT) Code of Ethics are incorporated by reference in these proposed rules.

6) Do these proposed amendments replace an emergency Rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? Yes. Section 1283.100(t) incorporates by reference the Model Code of Ethics of the Association of Marital and Family Therapy Regulatory Boards, 1993, 28336 Franklin Road, Southfield, Michigan 48034, with no later amendments or additions. Section 1283.100(u) incorporates by reference the AAMFT Code of Ethics, the American Association for Marriage and Family Therapy, 100 17th Street NW, 19th Floor, Washington, D.C. 20036-4601, 1991, with no later amendments and additions.

9) Are there any other proposed Rules pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable):

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This rulemaking has no effect on local governments.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Interested Persons may submit written comments and views to:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0800 Fax #: 217/782-7645

All comments received within 30 days of this issue of the Illinois Register will be considered. The comments of interested persons who submit a request to comment within 14 days of this issue will be considered if received within 30 days of such request.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Marriage and family therapists.

B) Reporting, bookkeeping or other procedures required for compliance:

All persons receiving a temporary license shall be required to pass the Association of Marital and Family Therapy Regulatory Board's (AMFTRB) Examination in Marital and Family Therapy by December 31, 1995, in order to obtain an Illinois license as a marriage and family therapist. The first license renewal period will be February 28, 1997. Licensees are responsible for notifying the Department of any change of address.

C) Types of professional skills necessary for compliance: Marriage and family therapist skills are necessary for licensure.

The full text of the Proposed Rules begins on the next page:

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TITLE 68: PROFESSIONS AND OCCUPATIONS
 CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
 SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1283
 MARRIAGE AND FAMILY THERAPY LICENSING ACT

Section	Application for a Temporary License Under Section 50 of the Act
1283.10	Experience and Clinical Supervision
1283.20	Education
1283.30	Examination
1283.40	Application for Examination / Licensure
1283.50	Endorsement
1283.60	Renewal
1283.70	Inactive Status
1283.80	Restoration
1283.90	Professional Conduct
1283.100	Granting Variances
1283.120	

AUTHORITY: Implementing the Marriage and Family Therapy Licensing Act (Ill. Rev. Stat. 1991, ch. 111, pars. 8351-1 through 8351-170) [225 ILCS 55] and authorized by Section 60(7) of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 60(7)) [20 ILCS 2105/60(7)].

SOURCE: Adopted at 18 Ill. Reg. _____, effective _____.

Section 1283.10 Application for a Temporary License Under Section 50 of the Act

- a) Any person seeking a temporary license without examination under Section 50 of the Marriage and Family Therapy Licensing Act (the Act) shall file an application with the Department of Professional Regulation (the Department) on forms provided by the Department. The application shall include the following:

- 1) Verification, on forms provided by the Department, that the applicant holds one of the following:
 - A) A master's or doctoral degree in marriage and family therapy

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from a regionally accredited educational institution;

- B) A master's or doctoral degree from a regionally accredited educational institution in a related field (e.g., behavioral science or mental health) with an equivalent course of study in marriage and family therapy as set forth in Section 1283.30(b) of this Part; or
 - C) A master's or doctoral degree from a program accredited by the commission on accreditations for marriage and family therapy education of the American Association for Marriage and Family Therapy (AAMFT).
- 2) Verification, signed by an employer or supervisor on forms provided by the Department, that following receipt of the first qualifying degree, the applicant obtained at least 2 years of work experience as defined in Section 1283.20 of this Part. If self-employed, the applicant shall submit 3 affidavits from peers, clients or colleagues familiar with the applicant's work, attesting to the applicant's work performance.
 - 3) Verification of at least 200 hours of clinical supervision as defined in Section 1283.20 of this Part.
 - 4) A complete work history;
 - 5) The required fee set forth in Section 55 of the Act;
 - 6) Certification, on forms provided by the Department, from the state or territory of the United States in which the applicant was originally licensed and the state in which the applicant is currently licensed, if applicable, stating:
 - A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;
 - B) A description of the examination in that jurisdiction; and
 - C) Whether the file on the applicant contains any record of

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disciplinary actions taken or pending.

b) In lieu of subsections (a)(1), (2) and (3), the Department shall accept certification of active clinical membership from the American Association for Marriage and Family Therapy.

c) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department or the Illinois Marriage and Family Therapy Licensing and Disciplinary Board (the Board) because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure may be requested to:

- 1) Provide such information as may be necessary; and/or
- 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.

d) All persons receiving a temporary license shall pass the examination set forth in Section 1283.40 by December 31, 1995, in order to obtain a license as a licensed marriage and family therapist.

e) All temporary licenses shall expire December 31, 1995.

f) Upon approval of the temporary license, the applicant shall be eligible to sit for the examination. The applicant shall submit a completed application form provided by the Department along with the examination fee to the designated testing service. Upon notification to the Department by the testing service that the applicant has passed the examination and the submission by the applicant of the fee set forth in Section 55(a) of the Act, the Department shall issue the permanent marriage and family therapist license.

Section 1283.20 Experience and Clinical Supervision

An applicant for a license as a marriage and family therapist shall, following receipt of the first qualifying education degree, complete at least 2 years of work experience in the practice of marriage and family therapy, including at least 1,000 hours of face-to-face client contact with couples and families, including individuals, for the purpose of

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evaluation and treatment, and at least 200 hours of clinical supervision of marriage and family therapy.

a) Experience in the practice of marriage and family therapy may be gained by providing treatment that includes, but is not limited to:

- 1) Marriage and family therapy;
- 2) Counseling;
- 3) Psychotherapy, including behavioral family therapy;
- 4) Behavior modification;
- 5) Hypnotherapy;
- 6) Sex therapy;
- 7) Consultation;
- 8) Client advocacy;
- 9) Crisis intervention;
- 10) Psychological and educational testing and evaluation;
- 11) Group Therapy;
- 12) Multi-family therapy;
- 13) Informing and educating clients.

b) Marriage and family therapy treatment shall include, but not be limited to, providing direct individual, group or family therapy counseling in the following categories:

- 1) Married couples;
- 2) Unmarried couples;
- 3) Separating and/or divorcing couples;
- 4) Family groups, including children; and
- 5) Multi family groups.

c) The use of specific methods, techniques or modalities within the practice of marriage and family therapy is restricted to marriage and family therapists appropriately trained in the use of such methods, techniques or modalities.

d) One year of work experience is defined as a minimum of 1400 hours of professional work experience providing marriage and family services.

1) No more than one year of credit shall be given in a 12 month period.

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- 2) Experience shall be obtained in not less than 2 years and no more than 5 years.
- e) Clinical Supervision
- 1) The 200 hours of clinical supervision required in Sections 1283.10(a)(3) and 1283.50(a)(3) may be completed while fulfilling the 2-year work experience requirement of Sections 1283.10(a)(2) and 1283.50(a)(2).
 - 2) Prior to and including December 31, 1995, the clinical supervision, at the time the supervision took place, shall have been received from an individual(s) who:
 - A) Had been practicing marriage and family therapy for at least 10 years and had training in supervision; or
 - B) Had:
 - i) Completed the education requirements defined under Section 1283.30 or equivalent.
 - ii) Completed 5 years full-time experience as a marriage and family therapist as defined in Section 1283.20(a), (b) and (d).
 - iii) Provided over 3000 therapy hours of face-to face client contact.
 - iv) Received or was in the process of receiving 36 hours of supervision specifically in the skill of providing marriage and family therapy supervision; or
 - C) Was certified as an approved supervisor or supervisor in training by the American Association for Marriage and Family Therapy;
 - 3) After December 31, 1995, the clinical supervision, at the time the supervision took place, shall have been received from an individual(s) who:

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- A) Had:
 - i) Held an active license as a marriage and family therapist.
 - ii) Completed 5 years full-time experience as a marriage and family therapist as defined in Section 1283.20(a)(b) and (d).
 - iii) Provided over 3000 therapy hours of face-to-face client contact.
 - iv) Received or was in the process of receiving 36 hours of supervision specifically in the skill of providing marriage and family therapy supervision.
 - v) Completed a 2-semester-hour graduate course in marriage and family therapy supervision (at least 30 contact hours) or the equivalent prior to or during the supervision provided the applicant; or
 - B) Was certified as an approved supervisor or supervisor in training by the American Association for Marriage and Family Therapy.
- 4) After December 31, 1999, the clinical supervision shall, at the time the supervision took place, have been received from an individual(s) who:
- A) Had:
 - i) Held an active license as a marriage and family therapist for at least 5 years.
 - ii) Provided over 3000 therapy hours of face-to-face client contact.
 - iii) Received or was in the process of receiving 36 hours of supervision specifically in the skill of providing marriage and family therapy supervision.

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- iv) Completed a 2-semester-hour graduate course in marriage and family therapy supervision (at least 30 contact hours) or the equivalent prior to or during the supervision provided the applicant; or

- B) Was certified as an approved supervisor or supervisor in training by the American Association for Marriage and Family Therapy.

- 5) Supervision means the direct clinical review, for the purposes of training or teaching by a supervisor, of the applicant's interaction with a client. The purpose of supervision shall be to promote the development of the individual's clinical skills.

- 6) Supervision is face to face conversation with a supervisor, usually in periods of approximately one hour each. The learning process is sustained and intense. Appointments are scheduled on a regular basis. Supervision focuses on the raw data from a supervisee's continuing clinical practice, which is available to the supervisor through a combination of direct live observation, co-therapy, written clinical notes, audio and video recordings, and live supervision. It is a process clearly distinguishable from personal psychotherapy and is contracted in order to serve professional goals.

- A) Individual supervision shall mean a maximum of 2 supervisees meeting with one supervisor.

- B) Group supervision shall mean a maximum of 6 supervisees meeting with one supervisor.

- 7) The following is not acceptable marriage and family therapy supervision: peer supervision (supervision by a person of equivalent but not superior qualifications, status and experience); supervision by current or former family members or any other person with whom the nature of the personal relationship prevents, or makes difficult, the establishment of a professional supervisory relationship; administrative supervision (administrative supervision by an institutional director or executive, for example, conducted to evaluate job performance or for case management, not the quality of therapy given to a client); a primarily didactic process wherein

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techniques or procedures are taught in a group setting, classroom, workshop or seminar; staff development, orientation to a field or program or role-playing of family relationships as substitute for current clinical practice in an appropriate clinical situation.

- f) A doctoral internship may be applied toward the 200-hour clinical supervision requirement of Sections 1283.10(a)(3) and 1283.50(a)(3).

Section 1283.30 Education

- a) An applicant for a license as a marriage and family therapist shall hold one of the following:

- 1) A master's or doctoral degree in marriage and family therapy from a regionally accredited educational institution;
- 2) A master's or doctoral degree from a regionally accredited educational institution (by the U.S. Office of Education) in a related field (i.e., behavioral science or mental health) with an equivalent course of study in marriage and family therapy as set forth in Section 1283.30(b); or
- 3) A master's or doctoral degree from a program accredited by the commission on accreditations for marriage and family therapy education of the American Association for Marriage and Family Therapy (AAMFT).

- b) The applicant's graduate coursework, at a minimum, shall be substantially equivalent to the curriculum listed below. Courses are evaluated according to course content rather than course title. Course descriptions and/or syllabi are required for courses whose titles do not reflect systemic theoretical orientation and content as described below:

- 1) Marital and Family Studies (3 courses: 9 semester or 12 quarter hours)--Family development and family interactional patterns across the life cycle of the individual as well as the family. Courses may include the study of: family life cycle; theories of family development; marriage and/or family; sociology of the family; families under stress; the contemporary family; family in a social context; the cross-cultural family; youth/adult/aging and the family;

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family subsystems; individual, interpersonal relationships (marriage, parenting, sibling).

2) Marital and Family Therapy (3 courses: 9 semester or 12 quarter hours)--Family therapy methodology; family assessment; treatment and intervention methods; overview of major clinical theories of marital and family therapy such as: communications, contextual, experiential, object relations, strategic, structural, systemic, trans-generational.

3) Human Development (3 courses: 9 semester or 12 quarter hours)--Human development; personality theory; human sexuality; psychopathology; behavior-pathology.

4) Professional Studies (1 course: 3 semester or 4 quarter hours)--Professional socialization and the role of the professional organization; legal responsibilities and liabilities; independent practice and interprofessional cooperation; ethics; family law.

5) Research (1 course: 3 semester or 4 quarter hours)--Research design; methods, statistics; research in marital and family studies and therapy.

6) Clinical Practicum/Internship (300 hours)--15 hours per week, approximately 8-10 hours in face-to-face contact with individuals, couples and families for the purpose of assessment, diagnosis and treatment.

c) In evaluating coursework from another jurisdiction, the Board may require documentation such as, but not limited to, an evaluation by a foreign equivalency documentation service indicating that the applicant's graduate program is equivalent to a graduate program in this country.

d) An individual who has taught a graduate level course in a regionally accredited educational institution in any of the areas listed in subsection (b) above shall receive credit for the course. One course taught is equivalent to one course taken. Repetitive teaching of the same course may only be counted as one course. Syllabi and reading lists shall be submitted in order to obtain credit.

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e) Courses taken at a post-degree institution may count as equivalent for an education requirement of Section 1283.30(b) if the institution's training program is accredited by the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE) or meets the following requirements:

1) The institution's program is established to achieve coherent mission and training objectives and the program has as its primary objective the training of marriage and family therapists;

2) The specific course submitted as equivalent to those defined in Section 1283.30(b)(2) are taught by faculty who hold graduate degrees and are trained and credentialed in the field in which they teach.

3) Courses must be offered by an established, identifiable facility or agency.

4) Courses must be ongoing and additive (offered at the same place over a specific period of time and available on an ongoing basis) or offered off site by an acceptable post degree institution with an established, identifiable home-base facility or agency.

5) Courses must include outlines, clear description of content, appropriate bibliography, and other indications or meet generally acceptable criteria for academic offerings.

6) Correspondence courses are not acceptable.

f) Credit for courses taken pursuant to subsection (e) above will be given on a semester-hour equivalency basis which is 15 classroom hours per semester credit. Evaluation of course work is on a case-by-case basis for each applicant. To receive credit, an applicant must submit a syllabus for each course, proof of acceptable completion of the course, and all documentation necessary to demonstrate that the post-degree institution and the specific course meet all the requirements of subsection (e).

g) An applicant whose master's or doctorate degree was received on or prior to December 31, 1985, and whose application is postmarked no later than December 31, 1995, may establish equivalency for the education

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requirement of Section 1283.30(b) in the following manner:

- 1) Conferences/Workshops/Seminars Attended or Presented: 45 contact hours of relevant content equal one 3-semester credit or one 4-quarter credit course. A list of the equivalencies the applicant wishes to be considered should be organized by coursework area (marriage and family studies, marriage and family therapy, human development, professional studies and research). Include date, title, course description or brochure, presenter, number of hours attended/presented and certificate of attendance.
- 2) Publications: For books published, submit a copy of the title page, table of contents and bibliography. A chapter in a book is equivalent to one 3-semester or 4-quarter credit course. Applicants who author or edit a book are given credit equivalent to 6 semester credits or 8 quarter credits (2 courses). For journal articles published in a professional refereed journal, submit the journal table of contents and a copy of the article as it appeared in the journal, including bibliography. A journal article is equivalent to a 3-semester credit or 4-quarter credit course.

- h) A thesis or dissertation completed as a requirement of the first qualifying degree will not be counted as equivalent for an education requirement of Section 1283.30(b).

- i) Applicants who hold non-clinical qualifying degrees, or whose practicum/internship was in areas other than marriage and family therapy may document the practicum requirement with their first 300 post-graduate client contact hours supervised by an American Association for Marriage and Family Therapy Approved Supervisor, supervisor-in-training or a supervisor who meets the requirements set forth in Section 1283.20(e).

Section 1283.40 Examination

- a) The examination for licensed marriage and family therapists shall be the Association of Marital and Family Therapy Regulatory Board's (AMFTRB) Examination in Marital and Family Therapy.
- b) The passing score on the examination shall be the passing score of the testing entity.

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Section 1283.50 Application for Examination/Licensure

- a) An applicant for examination shall file an application, on forms supplied by the Department, at least 90 days prior to an examination date. The application shall include:

- 1) Verification, on forms provided by the Department, that the applicant holds one of the following:

- A) A master's or doctoral degree in marriage and family therapy from a regionally accredited educational institution;

- B) A master's or doctoral degree from a regionally accredited educational institution in a related field (i.e., behavioral science or mental health) with an equivalent course of study in marriage and family therapy as set forth in Section 1283.30(b); or

- C) A master's or doctoral degree from a program accredited by the commission on accreditations for marriage and family therapy education of the American Association for Marriage and Family Therapy.

- 2) Verification, on forms provided by the Department, signed by an employer or supervisor that following the receipt of the first qualifying degree, the applicant obtained at least 2 years of work experience as defined in Section 1283.20 of this Part. If the applicant is self employed, the applicant shall submit 3 affidavits from peers, clients or colleagues familiar with the applicant's work.

- 3) Verification of at least 200 hours of clinical supervision as defined in Section 1283.20 of this Part.

- 4) A complete work history; and

- 5) The required fee set forth in Section 55 of the Act;

- 6) Certification, on forms provided by the Department, from the state or territory of the United States in which the applicant was originally licensed and the state in which the applicant is currently

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licensed, if applicable, stating:

- A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;
 - B) A description of the examination in that jurisdiction; and
 - C) Whether the file on the applicant contains any record of disciplinary actions taken or pending.
- b) An applicant for licensure who has taken and passed the examination set forth in Section 1283.40 in another jurisdiction shall file an application in accordance to subsection (a) above and have his/her examination scores submitted to the Department directly from the testing entity.
- c) In lieu of subsection (a)(1), (2) and (3) above, the Department shall accept certification of clinical membership from the American Association for Marriage and Family Therapy.
- d) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure shall be requested to:

- 1) Provide such information as may be necessary; and/or
- 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clean up any discrepancies or conflicts in information.

Section 1283.60 Endorsement

- a) An applicant who is licensed/registered under the laws of another state or territory of the United States or of a foreign country and who wishes to be licensed in Illinois as a marriage and family therapist shall file an application with the Department, on forms provided by the Department, which includes:

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- 1) Certification of meeting education requirements as set forth in Section 1283.30 of this Part;
 - 2) Certification of at least 2 years of professional work experience as set forth in Section 1283.20 of this Part;
 - 3) Verification of 200 hours of clinical supervision as defined in Section 1283.20;
 - 4) Certification of successful completion of the examination set forth in Section 1283.40.
 - 5) Certification from the state or territory of the United States or the foreign country in which the applicant was originally licensed/registered and is currently licensed/registered, stating:
 - A) The time during which the applicant was licensed/registered;
 - B) Whether the file of the applicant contains any record of disciplinary actions taken or pending; and
 - C) Examination(s) taken and examination score(s) received.
 - 6) A complete work history; and
 - 7) The required fee as set forth in Section 55(i) of the Act.
- b) In lieu of subsections (a)(1), (2) and (3), the Department shall accept certification of clinical membership from the American Association for Marriage and Family Therapy.
- c) The Department shall either issue a license by endorsement or notify the applicant in writing of the reasons for denying the application.
- d) Applicants have 3 years from the date of application to complete the application process. If the process has not been completed within 3 years, the application shall be denied, the fee forfeited and the applicant must reapply and meet the requirements in effect at the time of reapplication.

Section 1283.70 Renewal

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- a) The first renewal period for licensure issued under the Act shall be February 28, 1997. Thereafter every registration issued under the Act shall expire in February of odd-numbered years. The holder of a license may renew such license during the month preceding the expiration date by paying the required fee.
- b) Beginning with the 1999 license renewal and every renewal thereafter, every licensee who applies for renewal of a license as a marriage and family therapist shall complete continuing education required by Section 45 of the Act.
- c) It is the responsibility of each licensee to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee or to renew one's license.

Section 1283.80 Inactive Status

- a) Licensed marriage and family therapists who notify the Department, on forms provided by the Department, may place their licenses on inactive status and shall be excused from paying renewal fees until they notify the Department in writing of the intention to resume active practice.
- b) Any licensed marriage and family therapist seeking restoration from inactive status shall do so in accordance with Section 1283.90 of this Part.
- c) Any marriage and family therapist whose license is on inactive status shall not use the title "licensed marriage and family therapist" in the State of Illinois. Any person violating this subsection shall be considered to be practicing without a license and shall be subject to the disciplinary provisions of the Act.

Section 1283.90 Restoration

- a) Any marriage and family therapist whose license has expired or has been placed on inactive status for 5 years or less may have the license restored by paying the fees required by Section 55 of the Act and providing proof of meeting continuing education requirements during the 2 years prior to restoration.

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- b) Any person seeking restoration of a license that has been expired or placed on inactive status for more than 5 years shall file an application, on forms supplied by the Department, for review by the Board, together with the fee required by Section 55 of the Act and proof of meeting continuing education requirements during the 2 years prior to restoration. The applicant shall also submit either:
 - 1) Sworn evidence of active practice in another jurisdiction. Such evidence shall include a statement from an appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of active practice; or
 - 2) An affidavit attesting to military service as provided in Section 45(c) of the Act; or
 - 3) Proof of passage of the AMFTRB examination during the period the registration was lapsed or on inactive status.
- c) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department because of a lack of information, discrepancies or conflicts in information given, or a need for clarification, the licensee seeking restoration shall be requested to:
 - 1) Provide such information as may be necessary; and/or
 - 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.
- (d) Upon the recommendation of the Board and approval by the Director, an applicant shall have the license restored or be notified in writing of the reason for denying the application.

Section 1283.100 Professional Conduct

The Department may suspend or revoke a license, refuse to issue or renew a license or take other disciplinary action, based upon its finding of "unethical, unauthorized, or unprofessional conduct" within the meaning of Section 85 of the Act which is interpreted to include, but is not limited to, the following acts or practices:

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- a) A therapist must not perform, nor pretend to be able to perform, professional services beyond his/her scope of practice. A therapist must not misrepresent credentials, degrees, professional associations, or competencies either through spoken word or written materials. A therapist must immediately retract or correct any misrepresentation. A therapist must correct misrepresentations by third parties as soon as the therapist is informed of the error.
- b) A therapist must not permit an intern or trainee under the therapist's supervision to perform, or to pretend to be competent to perform, professional services beyond the trainee's or intern's level of training. Disclosure of the intern's status and the name of the supervisor is required. A waiver of liability signed by the client is required when a marriage and family therapy intern or trainee is treating the client.
- c) Therapists must recognize the potentially influential position they may have with respect to clients, students, employees and supervisees. Therapists must conduct themselves with sensitivity to clients' potential vulnerability. Therapists should avoid exploiting clients' trust and dependency. Therapists must also make every effort to avoid dual relationships with clients during treatment and following termination of therapy. When a dual relationship cannot be avoided, therapists must take appropriate professional precautions to ensure judgment is not impaired and no exploitation occurs. Examples of dual relationships include but are not limited to close personal friendships, business or other relationships that are used to further a therapist's own interests, or the provision of therapy to students, employees, or supervisees. Sexual intimacy between therapist and client, students or supervisees is prohibited. Sexual intimacy with former clients is prohibited for at least two years after termination of treatment.
- d) A therapist must not engage in sexual or other harassment or exploitation of students, trainees, employees, colleagues, research subjects, actual or potential witnesses or complainants in legal or ethical proceedings.
- e) A therapist who is convicted of any crime related to his/her qualifications or professional responsibilities may be subject to disciplinary action by the Department. Likewise, a therapist who engages in conduct which could lead to conviction of a crime related to his/her qualifications or professional responsibilities, may be subject to disciplinary action.

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- f) A therapist who becomes impaired and unable to function according to the standards of practice may be subject to disciplinary action if an active practice continues. Causes of impairment may include, but are not limited to, the abuse of mood altering chemicals and physical or mental problems.
- g) A therapist must never accept, offer, or give any type of compensation to referring parties or their agents for referrals, as this may impair the therapist's judgment.
- h) It is the responsibility of therapists to seek supervision and/or personal therapy for any problem that is interfering with their ability to perform their professional services.
- i) A therapist must not subject a client to discrimination based on race, gender, religion, national origin, political affiliation, social or economic status, choice of lifestyle, sexual or affectional orientation.
- j) A therapist must inform a client of any conflict of interest, values, attitudes, or biases between them that are sufficient to impair their professional relationship. Either the client or the therapist may terminate the relationship. However, it is the therapist's responsibility to terminate the professional relationship when it no longer serves the client's needs or interests. It is the responsibility of the therapist to facilitate termination and to assist in referring the client to another professional. Termination should be handled with care and sensitivity.
- k) A therapist has the responsibility to be informed of other professional, technical, and administrative resources available to clients. A therapist must utilize those resources and/or refer clients when it is in the best interests of the client.
- l) A therapist must make a referral upon client request regardless of administrative and/or funding mandates.
- m) A therapist must not allow an individual or agency paying for the professional services to a client to exert undue influence over the therapist's work performance and clinical judgment.
- n) A therapist must offer all facts regarding services rendered to the client prior to administration of professional services. The purpose of informed

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consent is to insure client's complete access to information pertaining to professional services. Examples include, but are not limited to, fees for services, length of treatment and utilization of consultants. The client's signature indicating receipt of pertinent information is strongly encouraged.

- o) A therapist must not provide services to a client when the therapist's objectivity or effectiveness is impaired. The therapist must make this known to the client and assist the client in obtaining a referral to another professional.
- p) A therapist must hold in confidence all information pertaining to a client's therapy. It is the responsibility of the therapist to safeguard client confidences as required by law. This includes a therapist's employees and professional associates.
- q) A therapist must inform a client of the limitations of confidentiality. These limitations include, but are not limited, to:

- 1) Limitations mandated by the law.
- 2) The prevention of clear and immediate danger to one or more persons.
- 3) When the therapist is a defendant in a civil, criminal or disciplinary action arising from the therapy, client confidences may be disclosed in the course of that action.
- 4) When a written waiver of confidentiality has been obtained, all information revealed must be in accordance with the terms of the waiver. If there is more than one party involved in the therapy, the waiver must be signed by all members legally competent to execute such a waiver.
- 5) When release of information pertaining to a minor is requested, it must be signed by a parent or guardian.

- r) Therapists are responsible to insure that all records and written data are stored using security measures that prevent access to records by unauthorized persons.

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- s) Therapists are responsible for insuring that the content and disposition of all records are in compliance with all relevant state laws and rules.
- t) The Department hereby incorporates by reference the The Model Code of Ethics of the Association of Marital and Family Therapy Regulatory Boards, 1993, Department of Sociology, D-130 Brackett Hall, Clemson, South Carolina 29634-1513, with no later amendments or additions.
- u) The Department hereby incorporates by reference the AAMFT Code of Ethics, the American Association for Marriage and Family Therapy, 100 17th Street NW, 19th Floor, Washington, D.C. 20036-4601, 1991, with no later amendments and additions.

Section 1283.120 Granting Variances

- a) The Director of the Department may grant variances from these rules in individual cases when he/she finds that:
 - 1) The provision from which the variance is granted is not statutorily mandated;
 - 2) No party will be injured by the granting of the variance; and
 - 3) The rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.
- b) The Director shall notify the Illinois Marriage and Family Therapy Licensing and Disciplinary Board of the granting of a variance, and the reasons therefor, at the next meeting of the Board.

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Claiming Races
- 2) Code Citation: 11 Ill. Adm. Code 510
- 3) Section Numbers: 510.200 Proposed Action: Amendment
- 4) Statutory Authority: 230 ILCS 1992, 5/1 et seq.
- 5) A complete description of the subjects and issues involved: This rulemaking reduces the number of days during which a claimed harness horse must race at the track at which it was claimed.
- 6) Will these proposed amendments replace emergency amendments currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Do these proposed amendments contain incorporation by reference? No.
- 9) Are there any other proposed amendments pending in this Part? No
- 10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: All comments should be submitted in writing, within 30 days of this notice, to: Illinois Racing Board, Legal Department, 100 West Randolph, Ste. 11-100, Chicago, Illinois 60601
- 12) Initial Regulatory Flexibility Analysis:
 - A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: 3/24/94
 - B) Types of small business affected: None
 - C) Reporting, bookkeeping or other procedures required for compliance: None
 - D) Types of professional skills necessary for compliance: None

The full text of the proposed amendment begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER C: RULES APPLICABLE TO ALL OCCUPATION LICENSEES

PART 510

CLAIMING RACES

Section	Definition
510.10	Claiming Eligibility
510.20	Form and Deposit of Claim
510.30	Errors which Invalidate Claim
510.40	Refund of Voided Claim
510.50	Prohibited Action with Respect to Claim
510.60	Horses under Lien
510.70	Affidavit May be Required
510.80	Claimant's Responsibility
510.90	Claimed Horse's Certificate
510.100	Engagements of a Claimed Horse
510.110	Protests of a Claim
510.120	Title to a Claimed Horse
510.130	Distribution of the Purse
510.140	Delivery of a Claimed Horse
510.150	Trainer Responsibility for Post-Race Tests
510.160	Excusing Claimed Horse
510.170	Stable Eliminated by Fire or Other Hazard
510.180	Entering Claimed Horse
510.190	Claimed Horse Racing Elsewhere
510.200	Sale of a Claimed Horse
510.210	Illinois Rules Govern Claimed Horse
510.220	Extension of Regular Meeting (Repealed)
510.230	Claiming Authorization
510.240	

AUTHORITY: Implementing and authorized by the Illinois Horse Racing Act of 1975 [230 ILCS 51].

SOURCE: Adopted at 5 Ill. Reg. 1686, effective February 16, 1981; amended at 5 Ill. Reg. 8300, effective August 5, 1981; codified at 5 Ill. Reg. 10911; amended at 7 Ill. Reg. 2167, effective February 4, 1983; amended at 7 Ill. Reg. 3197, effective March 14, 1983; amended at 8 Ill. Reg. 14992, effective August 6, 1984; amended at 14 Ill. Reg. 17636, effective October 16, 1990; amended at 17 Ill. Reg. 12423, effective July 15, 1993; amended at 17 Ill. Reg. 13612, effective July 30, 1993; amended at 18 Ill. Reg. 2064, effective January 21, 1994; amended at 18 Ill. Reg. _____, effective _____.

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 510.200 Claimed Horse Racing Elsewhere

No/claimed/horse/shall/race/at/any/other/race/track/whenever/the/close
of/the/race/meeting/at/which/it/was/claimed,/or/for/60/days/whichever/is
shorter,/except/to/fulfill/a/stakes/engagement/or/with/the/express
written/consent/of/the/race/track/where/it/was/claimed/

- a) For harness racing, no claimed horse shall race at any other
race track until the close of the race meeting at which it was
claimed, or for 30 days, whichever is shorter.
- b) For thoroughbred racing, no claimed horse shall race at any
other race track until the close of the race meeting at which it
was claimed, or for 60 days, whichever is shorter.
- c) This Section shall not apply when claimed horses are fulfilling
a stakes engagement or have the express written consent of the
race track where it was claimed to race at another location.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Clerk of the Scales
- 2) Code Citation: 11 Ill. Adm. Code 1405
- 3) Section Numbers: 1405.100 Proposed Action: Repeal
- 4) Statutory Authority: 230 ILCS 1992, 5/1 et seq.
- 5) A complete description of the subjects and issues involved: This rulemaking repeals the restrictions for saddle cloth colors and numbers.
- 6) Will these proposed amendments replace emergency amendments currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Do these proposed amendments contain incorporation by reference? No.
- 9) Are there any other proposed amendments pending in this Part? No
- 10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: All comments should be submitted in writing, within 30 days of this notice, to: Illinois Racing Board, Legal Department, 100 West Randolph, Ste. 11-100, Chicago, Illinois 60601
- 12) Initial Regulatory Flexibility Analysis:
- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: 3/24/94
- B) Types of small business affected: None
- C) Reporting, bookkeeping or other procedures required for compliance: None
- D) Types of professional skills necessary for compliance: None

The full text of the proposed amendment begins on the next page:

ILLINOIS REGISTER

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

SUBTITLE B: HORSE RACING

SUBCHAPTER 9: RULES AND REGULATIONS OF HORSE RACING

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CLERK OF THE SCALES

1405.10 Clerk of the Scales

1405.30 Overweight Limit

1405.50 Permission to Dismiss

1405.70 Excess Weight After

1405.90 Saddle Cloth Number

1405.110 Change of Jockey

1405.130 Statement of Weight

AUTHORITY: Implementing and

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(Source: Repealed at 18 Ill

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER 9: RULES AND REGULATIONS OF HORSE RACING
(THOROUGHBRED)

PART 1413

ENTRIES, SUBSCRIPTIONS, AND DECLARATIONS

Section	
1413.10	Registration with Jockey Club
1413.20	Registration Rules
1413.30	Eligibility
1413.40	How Entries are Made
1413.42	Number of Entries
1413.44	48- or 72- Hour Entries
1413.46	Also Eligibles Under 48- or 72- Hour Rule
1413.48	Uncoupled Entries
1413.50	Racing Secretary Received Entries
1413.60	Supervision of Entries
1413.70	When Entries Close
1413.75	Limitation on Purse Reductions
1413.80	Closing in Absence of Conditions
1413.90	Entry by Telegraph
1413.100	List of Entries
1413.114	Couples As Entry
1413.118	Further Definition of Coupling
1413.120	Riders Designated
1413.130	Carding Purse and Handicap Races
1413.134	Race Fails to Fill
1413.138	Substitute and Extra Races
1413.140	Right to Declare Out
1413.150	Number of Entries
1413.160	Fee to Enter
1413.170	Refunds
1413.180	Error in Entry
1413.190	Irrevocable Declaration
1413.200	Notice of Declaration
1413.210	Entry of Unfit Horse
1413.220	Refusal for Inconsistency
1413.230	Horse Ineligible
1413.240	Who May Enter
1413.250	Medical Reasons for Ineligibility
1413.260	Sweepstakes Entries
1413.265	Receipt for Nomination
1413.270	Previous Engagements
1413.280	Transfer of Engagements
1413.290	Transfer of Sweepstakes Engagements
1413.300	Jockey Club Certificates
1413.305	Transfer of Jockey Club Certificate
1413.310	Number of Races in a Day

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Published in Rules and Regulations of Horse Racing, (original date not cited in publication); passed July 11, 1972; amended April 11, 1974, filed and effective April 30, 1974; passed June 11, 1974 amended July 12, 1974, filed July 22, 1974; amended August 13, 1974, filed August 19, 1974; amended August 15, 1975, filed August 20, 1975; amended September 19, 1975, filed October 2, 1975; amended June 19, 1976; amended July 16, 1976, filed July 23, 1976; amended August 21, 1976, filed August 30, 1976; amended April 26, 1977, filed May 6, 1977; amended 4 Ill. Reg. 9, 0.251, effective February 20, 1980; amended at 5 Ill. Reg. 8911, effective August 25, 1981; codified at 5 Ill. Reg. 10981; amended at 15 Ill. Reg. 2730, effective February 5, 1991; amended at 17 Ill. Reg. 1628, effective January 26, 1993; amended at 17 Ill. Reg. 21848, effective December 3, 1993; amended at 18 Ill. Reg. _____, effective _____.

Section 1413.150 Number of Entries

A list of names not to exceed six shall may be drawn from the overflow entries and listed as eligible to start if originally carded horses are withdrawn. ~~For entry racing the also eligible list shall not exceed eight after regular carded horses have been excluded from a race. A new drawing shall be taken from horses on the also eligible list and order of eligibility and post positions shall be determined by the sequence in which they are drawn. If the conditions of a stakes race specify otherwise, those conditions shall govern and this rule shall not apply.~~

ILLINOIS REGISTER

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Licensing
- 2) Code Citation: 11 Ill. Adm. Code 502
- 3) Section Numbers: 502.500 Proposed Action: Amendment
- 4) Statutory Authority: 230 ILCS 1992, 5/1 et seq.
- 5) A complete description of the subjects and issues involved: This rulemaking allows for former employees of regulatory racing boards or commissions to be eligible to test for the occupation license of jockey agent. Eligible candidates are required to have experience as an occupation license in Illinois or another racing jurisdiction. In Illinois and many other racing jurisdictions, employees are not licensed and therefore not eligible to test under the current rule.
- 6) Will these proposed amendments replace emergency amendments currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Do these proposed amendments contain incorporation by reference? No.
- 9) Are there any other proposed amendments pending in this Part? No
- 10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: All comments should be submitted in writing, within 30 days of this notice, to: Illinois Racing Board, Legal Department, 100 West Randolph, Ste. 11-100, Chicago, Illinois 60601
- 12) Initial Regulatory Flexibility Analysis:
 - A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: 3/24/94
 - B) Types of small business affected: None
 - C) Reporting, bookkeeping or other procedures required for compliance: None
 - D) Types of professional skills necessary for compliance: None

The full text of the proposed amendment begins on the next page:

ILLINOIS REGISTER

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

- TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY,
 SUBTITLE B: HORSE RACING
 CHAPTER 1: ILLINOIS RACING BOARD
 SUBCHAPTER c: RULES APPLICABLE TO ALL OCCUPATION LICENSEES

PART 502
LICENSING

SUBPART A: PROCEDURE

Section
 502.10
 502.20
 502.30
 502.40
 502.50
 502.55
 502.58

Submission of Application
 Complete Application
 License Fees
 Duration and Extent of Occupation Licenses
 Rulings and Hearings
 Denial of License
 License to Participate

SUBPART B: STATUTORY GROUNDS FOR DENIAL OF A LICENSE

Section
 502.60
 502.72
 502.76

Denial of a License for Criminal Conviction
 First-Time Applicant Who Has Been Convicted of a Crime
 Prohibitions Against Persons on Conditional Discharge,
 Parole, Probation or Supervision
 Probationary Nature of Licenses
 Unqualified to Perform the Duties
 Falsifying Answers or Omitting Facts
 Just Cause
 Burden of Going Forward
 Denial of a License for Just Cause in Illinois or in
 Another Racing Jurisdiction

SUBPART C: GENERAL CRITERIA

Section
 502.110
 502.115

Criteria for Determining Eligibility
 Standards Required of All Applicants

SUBPART D: OWNERS

Section
 502.120

Owners

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

SUBPART E: TRAINERS AND ASSISTANT TRAINERS

Section

502.200 Trainers and Assistant Trainers
 502.210 Prospective Trainers or Assistant Trainers
 502.220 Workers' Compensation

SUBPART F: JOCKEYS AND APPRENTICE JOCKEYS

Section

502.230 Jockeys and Apprentice Jockeys
 502.235 Apprentice Jockeys, Criteria for Eligibility
 502.238 Apprentice Contract or Certificate

SUBPART G: DRIVERS

Section

502.250 Harness Driver
 502.260 Prospective Harness Drivers
 502.270 "Q" Licenses
 502.280 "P" Licenses
 502.290 "A" Licenses

SUBPART H: OTHER LICENSEES

Section

502.300 Veterinarians
 502.320 Veterinary Assistant
 502.350 Farriers (Blacksmiths)
 502.380 Exercise Riders
 502.400 Pony Person
 502.450 Stable Foreman
 502.500 Jockey Agents
 502.600 Authorized Agents
 502.650 Tack Shop Operators and Other Vendors
 502.660 Vendor Helper
 502.680 Thoroughbred Grooms
 502.690 Harness Grooms
 502.700 Hotwalker
 502.790 Totalizator Employee

SUBPART I: CONFLICTS OF INTEREST

Section

502.800 General Provisions
 502.820 Dual Licensing
 502.830 Limitations on License
 502.840 Husbands and Wives
 502.850 Transfer of a Horse

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

AUTHORITY: Implementing Section 15 and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b) and 5/15].

SOURCE: Emergency rule adopted and codified at 6 Ill. Reg. 9711, effective July 27, 1982, for a maximum of 150 days; adopted and codified at 6 Ill. Reg. 13786, effective October 25, 1982; amended at 7 Ill. Reg. 5225, effective April 1, 1983; amended at 11 Ill. Reg. 20611, effective January 1, 1988; amended at 13 Ill. Reg. 1562, effective January 23, 1988; amended at 13 Ill. Reg. 4931, effective March 22, 1989, amended at 14 Ill. Reg. 17641, effective October 16, 1990; amended at 15 Ill. Reg. 11985, effective August 12, 1991; amended at 16 Ill. Reg. 12774, effective July 31, 1992; amended at 17 Ill. Reg. 19961, effective November 9, 1993, amended at 18 Ill. Reg. _____, effective _____.

Section 502.500 Jockey Agents

- a) An applicant for a jockey agent's license shall have been licensed previously as a jockey agent by the Board or by another racing jurisdiction, and shall not represent more than two jockeys.
- b) If the applicant has never been licensed as a jockey agent, the applicant shall have at least one year's experience as an occupation licensee or an employee of the regulatory Board or Commission in Illinois or another racing jurisdiction, and shall pass with a grade of 75% a written examination administered by the stewards. The test shall cover such subjects as jockey engagements and horse eligibility.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

ILLINOIS REGISTER

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Starting
- 2) Code Citation: 11 Ill. Adm. Code 1415
- 3) Section Numbers: 1415.280 Proposed Action: New Section
- 4) Statutory Authority: 230 ILCS 1992, 5/1 et seq.
- 5) A complete description of the subjects and issues involved: This rulemaking outlines the procedure for requesting permission to change blinker equipment on horses.
- 6) Will these proposed amendments replace emergency amendments currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Do these proposed amendments contain incorporation by reference? No.
- 9) Are there any other proposed amendments pending in this Part? No
- 10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: All comments should be submitted in writing, within 30 days of this notice, to: Illinois Racing Board, Legal Department, 100 West Randolph, Ste. 11-100, Chicago, Illinois 60601
- 12) Initial Regulatory Flexibility Analysis:
 - A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: 3/24/94
 - B) Types of small business affected: None
 - C) Reporting, bookkeeping or other procedures required for compliance: None
 - D) Types of professional skills necessary for compliance: None

The full text of the proposed amendment begins on the next page:

ILLINOIS REGISTER

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
 SUBTITLE B: HORSE RACING
 CHAPTER I: ILLINOIS RACING BOARD
 SUBCHAPTER g: RULES AND REGULATIONS OF HORSE RACING
 (THOROUGHBRED)

PART 1415
 STARTING

Section	Identification of Horses
1415.10	Lip Tattoo
1415.15	Authority of Starter
1415.20	Jockeys to Dismount
1415.30	All Horses Parade
1415.40	Horses Led to Post
1415.50	Starter's Orders
1415.60	Starter's Assistants
1415.70	Causes of Delay
1415.80	Report Presence on Grounds
1415.90	Jockey Fees Paid
1415.100	Licensed Trainer
1415.110	Veterinarians' List
1415.120	Scratches and Refunds
1415.130	Number of Starters
1415.140	Horse Must Run the Course
1415.150	Starting Gate
1415.160	Post Positions
1415.170	Horse, When a Starter
1415.180	Failure of Starting Gate
1415.190	Start Without Gate
1415.200	Horse, When a Starter Without a Gate
1415.210	Schooling
1415.220	Twitches and War Bridles (Repealed)
1415.230	Starter (Repealed)
1415.240	Starter Reports Fines (Repealed)
1415.250	Inspection of Plating
1415.260	Change in Course
1415.270	Equipment Changes
1415.280	

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Published in Rules and Regulations of Horse Racing, (original date not cited in publication); amended at 5 Ill. Reg. 8911, effective August 25, 1981; codified at 5 Ill. Reg. 10985; amended at 6 Ill. Reg. 10013, effective August 3, 1982; amended at 7 Ill. Reg. 2170, effective February 4, 1983; amended at 14 Ill. Reg. 20056, effective December 4, 1990; amended at 18 Ill. Reg. _____, effective _____.

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 1415.280 Equipment Changes

- a) Permission for a horse to wear blinkers or to discontinue the use of them, must be approved by the starter before being granted by the stewards. Any such change must be stated at the time of entry.
- b) Permission for a horse to wear blinkers or to discontinue the use of them following a winning race, may be granted at the discretion of the stewards.

(Source: Added at 18 Ill. Reg. _____, effective _____)

BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of Part: Certificate of Certified Public Accountant
- 2) Code Citation: 23 Ill. Adm. Code 1300
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1300.10	Amend
1300.20	Amend
1300.30	Amend
1300.40	Repealed
1300.50	Amend
1300.60	Amend
1300.70, 1300.90	Amend
1300.100	Amend
1300.120	Amend
1300.130	Amend
1300.140	Amend
1300.150	Amend
1300.160	Amend
1300.170	Amend
1300.180	Amend
1300.190	Amend

- 4) Statutory Authority: Illinois Public Accounting Act. 225 ILCS 450/0.01.

- 5) A complete description of subjects and issues involved:

Under the Illinois Public Accounting Act the Board of Examiners has the responsibility for determining the qualifications of those who receive the Certificate of Certified Public Accountant. The Board is required to screen applicants for admittance to the C.P.A. examination, conduct and score the examination and issue certificates to successful candidates. In addition, the Board acts on applications for Illinois certification of C.P.A.'s and candidates from other jurisdictions. The Members of Board of Examiners are nominated by the President of the University and approved by the Board of Trustees.

BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

Under Section 6 of the Public Accounting Act, the Board is required to assess fees in an amount at least sufficient to defray the costs and expenses incident to the examination and issuance C.P.A. Certificates.

6) Will this proposed rule replace an emergency rule currently in effect?

No.

7) Does the proposed rule contain an automatic repeal date?

No.

8) Does this proposed amendment contain incorporation of revenue?

No.

9) Are there any other amendments pending on this part?

No.

10) Statement of statewide policy objectives:

Not applicable.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Comments on the proposed amendments may be submitted in writing for a period of 30 days following publication of this notice to:

Linda Sergent
Executive Director of Board of Examiners
on Accountancy
University of Illinois
10 Henry Administration Building
506 South Wright Street
Urbana, Illinois 61801

BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

12) Initial Regulatory Flexibility Analysis:

Not applicable.

The full text of the Proposed Amendments begins on the next page:

BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
CHAPTER V: BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

PART 1300

CERTIFICATE OF CERTIFIED PUBLIC ACCOUNTANT

- 1300.10 ~~Appointment to the University Committee on Accountancy Administrative Functions~~
- 1300.20 ~~Duties of the University Committee on Accountancy Board of Examiners~~
- 1300.30 ~~Appointment of the Board of Examiners~~
- 1300.40 ~~Terms of Office of the Board of Examiners (Repealed)~~
- 1300.50 ~~Organization and Compensation of the Board of Examiners~~
- 1300.60 ~~Filing of the Application and Payment of Fees~~
- 1300.70 ~~Rebate of Fees~~
- 1300.80 ~~Repealed~~
- 1300.90 ~~The Educational Requirement~~
- 1300.100 ~~Examinations - General~~
- 1300.110 ~~Examinations - Advertising~~
- 1300.120 ~~Examinations - Frequency~~
- 1300.130 ~~Examinations - Scope~~
- 1300.140 ~~Examinations - Length~~
- 1300.150 ~~Examinations - Preparations and Grading~~
- 1300.160 ~~Grading Scale, Condition Candidates, Transfer of Credits, Reciprocity and Out-of-State Candidates~~
- 1300.170 ~~Failure in All Subjects - Re-Examination~~
- 1300.180 ~~C.P.A. Certificate - Awarding~~
- 1300.190 ~~Retention of Records~~
- 1300.200 ~~Disposition of Fees~~
- 1300.210 ~~Repealed~~
- 1300.220 ~~Repealed~~

AUTHORITY: Implementing Section 1 et seq. and authorized by Section 26 of the Illinois Public Accounting Act (225 ICS 450/0.01)

SOURCE: Emergency rule at 5 Ill. Reg. 276, effective December 15, 1980, for a maximum of 150 days; adopted at 5 Ill. Reg. 8303, effective July 31, 1981; emergency amendment at 7 Ill. Reg. 7342, effective June 1, 1983, for a maximum of 150 days; codified at 8 Ill. Reg. 3342; amended at 8 Ill. Reg. 24720, effective December 12, 1984; amended at 10 Ill. Reg. 4237, effective February 21, 1986; amended at 18 Ill. Reg. _____, effective _____.

BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

SUBTITLE A: EDUCATION

Section 1300.10 ~~Appointment to the University Committee on Accountancy Administrative Functions~~

The administrative functions of the University of Illinois under the Illinois Public Accountancy Act shall be performed by a ~~Committee on Accountancy appointed by and responsible to the President of the University, an Executive Director and a Deputy Director of the Board of Examiners, appointed by and responsible to the Board.~~

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 1300.20 ~~Duties of the University Committee on Accountancy Board of Examiners~~

(a) ~~This Committee (Committee on Accountancy) The Board of Examiners (hereinafter called the Board) shall receive all applications for examinations under the Act, shall examine all evidence submitted in support of or in opposition to such applications, and shall issue cards of admission to the examinations signed by the Secretary of the Committee and designating the date and place of the examination as to applicants who have satisfied all requirement of the Act and these Regulations.~~

(b) ~~This Committee The Board shall designate the times and places of all examinations under the Act, shall advertise have the University advertise the same according to the provisions of the law, and shall arrange for the conduct of such examinations.~~

(c) ~~This Committee The Board shall arrange for an adequate supply of the examination questions to be delivered to the Board of Examiners in time for examination sites and placed in a secure location until time for use at the examinations as advertised.~~

(d) ~~This Committee The Board shall receive the reports grades of all candidates who have taken the examinations under this Act from the Board of Examiners and shall certify to the President of the University the names of the candidates who attain passing grades and satisfy the~~

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other qualifications prescribed by the Act and these Regulations.

- (e) ~~This Committee~~ The Board shall receive all applications for the C.P.A. certificate filed under Section 5 of the Act, shall examine all evidence submitted in support of or in opposition to such applications, and shall certify to the President ~~these applicants~~ of the University those applicants who comply with the provisions of this Section.

- (f) ~~This Committee~~ The Board shall receive all applications for the C.P.A. certificate filed under Section 1300.160(d) of this Part, shall examine all evidence submitted in support of or in opposition to their applications, ~~shall submit a summary of such evidence to the Board of Examiners for review and shall certify to the President the names of the University the names of the applicants whose qualifications have been determined by the Board of Examiners to comply with the provisions of the Act and this Part.~~

- (g) ~~This Committee shall receive and certify all statements of expenses and fees of the Board of Examiners. The fees collected under this Part will be deposited with the University and the University shall be responsible for payment of all expenses incident to this Act. The Executive Director shall certify all statements of expenses and fees of the Board.~~

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 1300.30 Appointment of the Board of Examiners

~~The Board of Examiners for the Examinations of candidates for the certificate of Certified Public Accountant under Section 2 of the Act shall consist of five members. The members of this Board, having the qualifications as specified in Section 2 of the Act, shall be nominated by the President of the University and approved by the Board of Trustees and vacancies shall be filled in like manner.~~

(Source: Amended at 18 Ill. Reg. _____, effective _____)

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Section 1300.40

Terms of Office of the Board of Examiners (Repealed)

~~The terms of office of Examiners shall be according to the provisions of Section 2 of the Act. Any Board member who has served as a member for six consecutive years shall not be eligible for reappointment until two years after the end of the term in which the sixth consecutive year of service occurred. (Ill. Rev. Stat. 1983, Ch. 111, par. 5502)~~

(Source: Repealed at 18 Ill. Reg. _____, effective _____)

Section 1300.50

Organization and Compensation of the Board of Examiners

~~The Board of Examiners shall elect a chairman and a vice-chairman. One shall have principal responsibility for supervising the Chicago area examinations, and the other shall have principal responsibility for supervising the downstate examinations. The Chairman shall be responsible for preparing the reports of the examinations for submission to the University. The other three members of the Board shall assist in the administration of the examinations as directed by the chairman. At least one Board member shall supervise each examination site. Members of the Board of Examiners shall be reimbursed for travel according to the rates approved by the Higher Educational Travel Control Board of Illinois (80 Ill. Adm. Code 2900) and other necessary expenses including charges for the service of deputies, and shall receive an honorarium as follows for conducting each examination and for all other services rendered in performing the duties imposed upon them by the Act, chairman and vice-chairman \$1,750 \$4,500; other members, \$1,250 \$4,000, both to be adjusted annually for Cost of Living based on rate used by State of Illinois. Deputies of the Board will receive an honorarium of \$1,500 for conducting each examination and expenses incurred in connection with the examination. The Deputy honorarium is also to be adjusted annually for Cost of Living based on rate used by State of Illinois.~~

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 1300.60 Filing of the Application and Payment of Fees

- (a) Applicants for the examinations for the C.P.A. certificate under the Act shall file their applications with the Committee on Accountancy at Urbana, Illinois, Board together with official transcripts of academic

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records to establish their eligibility. The proper fee established by the University as authorized in Section 6 of the Act must accompany each application for examination, re-examination, reciprocity and transfer of examination grades. The schedule of fees shall be as follows: A detailed schedule of the fees, not to exceed \$200.00 per candidate, shall be published from time to time by the Board.

- (1) Candidate writing for the first time . . . \$160.00
- (2) Candidate transferring conditional credit from another jurisdiction . . . \$160.00
- (3) Candidate for re-examination in all subjects \$125.00
- (4) Candidate writing three half-day sessions \$100.00
- (5) Candidate writing two half-day sessions . . \$ 85.00
- (6) Candidate writing one half-day session . . \$ 70.00
- (7) Candidate from another jurisdiction being proctored in Illinois \$ 75.00
- (8) Application for certificate under Section 5 of the Act \$150.00
- (9) Application for certificate by complete transfer of examination grades pursuant to Section 1300.160(d) \$150.00

- (b) The Committee Board shall establish and collect a fee of 25¢ \$.25 per page for letter and legal size copies as reimbursement for the cost of production, handling and shipping of lists and mailing labels of the names and addresses of successful candidates and lists of names and addresses of applicants for examinations released as public information under the provision of Section 2 of the Act.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 1300.70 Rebate of Fees

- (a) Fifty percent only of the prescribed fee shall be returned to any applicant whose credentials have been submitted and examined but who is found not qualified to take the examination.
- (b) Fifty percent only of the prescribed fee shall be returned to any applicant who fails to attend the examination provided notification that the applicant will not be present is received by the Committee in writing by

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the Board at least thirty calendar days prior to the beginning of the examination.

- (c) No fee shall be returned to any applicant who is present at the examination and withdraws for any reason after the beginning of the examination.

- (d) The fee paid by a candidate from another jurisdiction who is being proctored in Illinois shall be non-refundable.

- (e) In hardship cases, where applicants for the examination are prevented from attending for such reasons as unexpected illness, death in the immediate family, or call to active duty in the military service, fifty percent only of the fee may be returned provided that under the circumstances it was not possible for the applicants to notify the Committee Board at least thirty calendar days prior to the beginning of the examination that they could not be present. Requests under this section must be accompanied by proof of the hardship (ie. doctor's verification, obituary notice, copy of military orders).

- (f) Fifty percent only of the prescribed fee shall be returned to applicants for certificates under the provisions of Section 5 of the Act or Section 1300.160(d) whose credentials have been submitted and examined but who are found not qualified for the Illinois C.P.A. certificate.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 1300.90 The Educational Requirement

- (a) As provided in Section 3 of the Act, a candidate for the Illinois C.P.A. Examination must have successfully completed 120 semester hours (180 quarter hours) of acceptable credit of which 27 semester hours (40.5 quarter hours) shall be in the study of Accounting, Auditing and Business Law, provided not more than 6 semester hours (9 quarter hours) shall be in Business Law. Candidates may apply to take the C.P.A. Examination during their final term, semester or quarter, but must meet the educational requirements at the time the examination is given. Regulations implementing the 150 college hours containing an accounting concentration for

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the year 2001 have yet to be adopted by the Board of Examiners to be admitted to take the examination given before January 1, 2001, a candidate for the Illinois C.P.A. examination must have successfully completed at least 120 semester hours of acceptable credit. Of the semester hours accepted by the Board, at least 27 semester hours shall be in the study of Accounting, Auditing and Business Law, provided not more than 6 semester hours shall be in Business Law. Candidates may apply to take the C.P.A. Examination during their final term, semester or quarter, but must meet the educational requirements at the time the examination is given.

(b)

Acceptable credit is credit earned from a college or university which is a candidate for or is accredited by a regional accrediting association which is a member of the Council on Postsecondary Accreditation (COPA). Study in residence or correspondence schools which specialize in business training shall also be accepted by the University, provided such schools submit proof that at least 50 percent of their courses offered in Accounting are taught by certified public accountants. To be admitted to take the examination for the first time after January 1, 2001, a candidate for the Illinois CPA examination must have successfully completed at least 150 semester hours of acceptable credit including a baccalaureate or higher degree. The semester hours accepted by the Board must include an accounting concentration or its equivalent. A candidate will be deemed to have met the education requirement if, as part of the 150 semester hours of education or equivalent as determined by the Board, he or she has met any one of the following four conditions. With each of the conditions listed below, accounting hours do not include business law, and no more than six semester hours of accounting may be obtained through internships or life-experience.

(1) Earned a graduate degree with a concentration in accounting from a program that is accredited in accounting by an accrediting agency recognized by the Board.

(2) Earned a graduate degree from a program that is accredited in business by an accrediting agency recognized by the Board and completed at least 24 semester hours in accounting at the undergraduate level or 15 semester hours at the graduate level or equivalent combination thereof, including courses

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covering the subjects of financial accounting, auditing, taxation, and management accounting.

(3) Earned a baccalaureate degree from a program that is accredited in business by an accrediting agency recognized by the Board and completed 24 semester hours in accounting at the undergraduate or graduate level, including courses covering the subjects of financial accounting, auditing, taxation, and management accounting; and completed at least 24 semester hours of business courses, or substantially equivalent (other than accounting courses) at the undergraduate or graduate level.

(4) Earned a baccalaureate or higher degree from an accredited educational institution or other institution recognized by the Board, including at least 24 semester hours of accounting at the undergraduate and/or graduate level with at least one course each in financial accounting, auditing, taxation, and management accounting and at least 24 semester hours in business courses or substantially equivalent (other than accounting courses) at the undergraduate or graduate level.

(c) For all purposes above, the formula for conversion of semester hours to quarter hours is 1 semester hour times 1.5 equals 1 quarter hour.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 1300.100 Examinations - General

Examinations as prescribed in the Act shall be held by the Board at the time and places determined by the University Committee that have been determined.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

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Section 1300.120 Examinations - Frequency

The examinations shall be given at least twice a year. (225 ILCS 450/3)

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 1300.130 Examinations - Scope

The examination shall be in the following ~~four subjects: Accounting Practice, Auditing, Theory of Accounts, and Business Law~~ and such other subjects as determined by the Board. The candidate must be examined in all subjects on the initial examination and thereafter except when credit has been granted for passing certain subjects as provided in Section 2 of the Act.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 1300.140 Examinations - Length

The time allotted to the examination in each subject shall be determined by the ~~University Committee~~ Board and shall be printed on the examination questions permits.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 1300.150 Examinations - Preparations and Grading

The Board ~~of Examiners~~ has adopted and makes use of the Uniform Certified Public Accountants Examinations and grading system of the American Institute of Certified Public Accountants.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 1300.160 Grading Scale, Condition Candidates, Transfer of Credits, Reciprocity and Out-of-State Candidates

- (a) Grading Scale. The examination papers shall be graded on the scale of 100. The passing grade in each subject is 75. Grades shall be certified by the Board. The list of successful candidates shall be certified to the President of the University ~~by the University Committee.~~

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(b) Condition Candidates.

- (1) A candidate under Section 2 of the Act may acquire condition in the subjects failed by

(A) passing any two subjects ~~of Accounting Practice only~~; and

(B) obtaining a grade of not less than 50 in each subject failed.

- (2) Candidates who achieve condition standing shall be credited with the subjects in which they received passing grades and may upon application and the payment of the required examination fee appear for re-examination in the subject or subjects failed at any of the six examinations next succeeding the examination at which they qualified for such partial re-examination. When candidates present themselves for re-examination, they must write on all subjects in which they then have failing grades. To obtain credit for a subject or subjects passed upon any re-examination, condition candidates must obtain a grade of not less than 50 in each subject failed in any such re-examination. (3) If on re-examination, the candidates pass in the subject or subjects in which they previously failed, they shall be eligible for the C.P.A. certificate; if they fail to pass the remaining section or sections within the number of examinations provided, they shall revert to the status of new applicants and shall be required to write the entire examination.

- (4) The time limitation within which a candidate is required to pass subjects under this rule shall not include any period during which the applicant serves in the armed forces of the United States. (5) The fee schedule for conditioned candidates shall be as stated in Section 1300.60 of this Part.

(c) Transfer of Credits from Another State

- (1) A person who has written as a candidate in another state and who has passed part of the examination in such other state may write as a condition candidate in Illinois

(A) if the educational requirements of the Illinois statute have been met; and

(B) provided the applicant would qualify as a condition candidate if the examination in such other state had been written in Illinois.

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- (2) A candidate who applies for a transfer of credits from another state shall pay a the fee of \$160.00 in force upon submission of the initial application to write as an Illinois candidate; thereafter the fee shall be the same as for other condition candidates.

- (d) Transfer of Credits by Candidate Who Has Passed the Examination in Another State

- (1) A candidate who has passed the entire examination in another jurisdiction, or has passed a portion of the examination equivalent to the entire Illinois examination, but who is ineligible to obtain a certificate from such other jurisdiction may transfer the credits and receive a certificate in Illinois provided:

- (A) the educational requirements of the Illinois statute have been met; and
 (B) the applicant would be entitled to an Illinois certificate if the examination had been written under the Illinois statute and rules.

- (2) A The fee of \$150.00 in force must accompany the application for a transfer of credits for the entire examination.

- (3) Transfer of credits shall be accepted if the applicant wrote all subjects on the initial examination, and

- (A) passed all subjects, or
 (B) passed any 2 subjects or Accounting Practice only Before May, 1994, passed Practice or any two subjects, obtained a grade of at least 50 on in each subject failed, and passed the failed subjects sections within 3 three of the 6 next succeeding examinations.

- (C) After May, 1994, passed any 2 subjects, obtained a grade of at least 50 in each subject failed, and passed the failed sections within the 6 next succeeding examinations.

- (e) Certificates by Reciprocity

- (1) The Board shall issue a certificate as a certified public accountant, without examination, to any applicant who holds a valid unrevoked certificate as a certified public accountant issued under the laws of any other State or Territory of the United States or the District of Columbia provided all

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requirements of Section 5 of the Act and this Part have been met, or

- (2) A The fee of \$150.00 in force shall be payable by the applicant at the time of filing of the application for a C.P. A. certificate by reciprocity, or

- (3) to any foreign accountant who has passed the United States or AICPA uniform qualifying examination for that jurisdiction acceptable to the Board.

- (f) Out of State Candidates

Applicants who have been approved as candidates in other jurisdictions shall be allowed to write the examination in Illinois provided the proctoring has been requested and authorized by the boards or officials responsible for administering the examinations in such other jurisdictions. The applicants shall remit non-refundable proctoring fees as prescribed in Section 1300.60 prior to deadlines established by the University Committee Board.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 1300.170 Failure in All Subjects - Re-examination

Candidates who fail the entire examination may apply for re-examination on all subjects sections at any subsequent examination. A The fee of \$125.00 in force shall be paid for such re-examination.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 1300.180 C.P.A. Certificate - Awarding

Each candidate who satisfies all the requirements and is duly certified as above required, shall receive a certificate designating the recipient as a Certified Public Accountant (C.P.A.). This certificate shall be issued in the name of the University and shall be signed by the Board and the President of the University, the Secretary of the Board of Trustees and, when issued on the basis of examination, by members of the Board of Examiners.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

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Section 1300.190 Retention of Records

(a) ~~The Director of Admissions and Records of the Urbana-Champaign campus Board shall preserve for a period of five years all applications submitted by candidates for the C.P.A. examinations and all supporting documents and correspondence relating to the application; shall maintain a permanent record for each applicant admitted to the examinations, which contains information concerning the date and place of the examinations, the grades received, the condition status of candidates qualifying under Section 1300.160, the certificate number and date of issuance for candidates qualifying under Section 2 or Section 5 of the Act, and any other information which the Board considers appropriate; and shall maintain a registry of the names, certificate numbers, and dates of issuance for all persons receiving the Illinois certificate either on the basis of the written examinations or on the basis of reciprocity.~~

(b) ~~The University Committee Board shall arrange for retention of the keep arrange for retention of the examination papers of candidates for a period of ninety days following the release of the results of the examination.~~

(Source: Amended at 18 Ill. Reg. _____, effective _____)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of this Part: Licensing Standards for Day Care Homes
- 2) Code Citation: 89 Ill. Adm. Code 406
- 3) Section Numbers: Adopted Action:
406.12 Amend
406.13 Amend
406.14 Amend
- 4) Statutory Authority: Implementing the Child Care Act of 1969 (Ill Rev. Stat. 1991, ch. 23, pars. 2211 et seq.) [225 ILCS 10/1] and authorized by the Child Care Act of 1969 (Ill. Rev. Stat. 1991, ch. 23, par. 2217 [225 ILCS 10/7])
- 5) Effective Date of Amendments: April 1, 1994
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Do these Amendments contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: April 1, 1994
- 9) Notice of Proposal Published in Illinois Register:
17 Ill. Reg. 11964, July 30, 1993
- 10) Has JCAR issued a Statement of Objection to these Amendments? No.
- 11) Differences between proposal and final version:
The source note was modified as recommended by the Joint Committee on Administrative Rules. Section 406.12 (b) was modified to state in part " ... as required by Department of Public Health Rules...."
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.
- 13) Will the Amendment replace an emergency rule currently in effect? No.
- 14) Are there any amendments pending on this part? Yes.

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Section Number Illinois Register Citation
 406.8 18 Ill. Reg. 2683, February 25, 1994
 406.9 18 Ill. Reg. 2683, February 25, 1994
 406.13 18 Ill. Reg. 2683, February 25, 1994

15) Summary and Purpose of Adopted Amendments:

The adopted amendments will remove an automatic repeal date of March 31, 1994 which had been inserted in the amendments when originally adopted April 30, 1992. In addition, with these amendments the Department recognizes the requirement that the health examination for children entering day care should include a blood level screening, as required by the Department of Public Health.

16) Information and questions regarding the adopted amendment shall be directed to:

Jacqueline Nottingham, Chief
 Office of Rules and Procedures
 Department of Children and Family Services
 406 E. Monroe Street, Station # 222
 Springfield, Illinois 62701-1498

Phone: (217) 524-1983

TTY: (217) 524-3715

The full text of the Adopted Amendments begin on the next page.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 89: SOCIAL SERVICES
 CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
 SUBCHAPTER e: REQUIREMENTS FOR LICENSURE

PART 406

LICENSING STANDARDS FOR DAY CARE HOMES

Section	Purpose
406.1	Definitions
406.2	Effective Date of Standards
406.3	Application for License
406.4	Application for Renewal of License
406.5	Provisions Pertaining to the License
406.6	Provisions Pertaining to Permits
406.7	General Requirements for Day Care Homes
406.8	Characteristics and Qualifications of the Day Care Family
406.9	Qualifications for Assistants
406.10	Substitutes
406.11	Admission and Discharge Procedures
406.12	Number and Ages of Children Served
406.13	Health and Medical Care
406.14	Discipline of Children
406.15	Activity Requirements
406.16	Nutrition and Meals
406.17	Transportation of Children By Day Care Home
406.18	Swimming
406.19	Children with Special Needs
406.20	School Age Children
406.21	Children Under 30 Months of Age
406.22	Night Care
406.23	Records and Reports
406.24	Confidentiality of Records and Information
406.25	Cooperation with the Department
406.26	Severability of This Part
406.27	Meal Pattern Chart for Children 0 to 12 Months of Age
APPENDIX A	Meal Pattern Chart for Children Over One Year of Age
APPENDIX B	

AUTHORITY: Implementing and authorized by the Child Care Act of 1969 (Ill. Rev. Stat. 1991, ch. 23, pars. 2211 et seq.) [225 ILCS 10], Section 3 of the Abused and Neglected Child Reporting Act (Ill. Rev. Stat. 1991, ch. 23, par. 2053) [325 ILCS 5/3], and Sections 821 and 822 of the Facilities Requiring Smoke Detectors Act (Ill. Rev. Stat. 1991, ch. 127 1/2, pars. 821 and 822) [425 ILCS 10/1 and 2].

SOURCE: Adopted and codified at 7 Ill. Reg. 7855, effective July 1, 1983; amended at 8 Ill. Reg. 24951, effective January 1, 1985; amended at 9 Ill. Reg. 2454, effective March 1, 1985; emergency amendment at 15 Ill. Reg. 15088, effective October 8, 1991, for a maximum of 150 days; modified at 16 Ill. Reg.

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2269; amended at 16 Ill. Reg. 7602, effective April 30, 1992; amended at 18 Ill. Reg. _____, effective APR 01 1994.

Section 406.12 Admission and Discharge Procedures

- a) Children served in a day care home shall not remain on the premises for more than 12 hours in any 24-hour period, unless the parent's employment schedule requires more than 12 hours of day care. At no time shall children cared for in a day care facility remain on the premises for 24 consecutive hours.
- b) Prior to acceptance of a child for care, the caregiver shall require that the parent or guardian accompany the child to the home to become acquainted with the caregiver and with the service to be provided. No child under six years of age may be admitted to the day care home unless the health examination, complete with lead screening, has been completed as required by Department of Public Health rules 77 Ill. Adm. Code 665, Child Health Examination.
- c) The parent(s) or guardian shall be permitted to visit the home, without prior notice, during the hours their child(ren) is/are in care.
- d) A child shall be discharged from the facility only to the child's parent(s) or guardian or to a person designated in writing by the parent(s) or guardian to receive the child.
- e) The caregiver shall refuse to release a child to any person, whether related or unrelated to the child, who has not been authorized, in writing, by the parent(s) or guardian to receive the child. Persons not known to the caregiver shall be required to provide a driver's license (with photo) or photo identification card issued by the Illinois Secretary of State to establish their identity prior to a child's release to them.
- f) The facility shall maintain a list of persons designated, in writing, by the parent(s), or guardian to whom the facility can be expected to discharge the child at least once per week. These persons, in addition to the parent(s) or guardian, shall constitute the primary list of persons to whom the child may be released. In addition, the facility shall maintain a contingency list of persons designated, in writing, by the parent(s) or guardian to whom the child may be released less frequently than once per week. When the child is released to a person on the contingency list, the facility shall maintain a record of the person to whom the child was released, the date and time that the child was released, and the manner that the child left the facility (whether on foot, by passenger car, by taxicab or other means of transportation).
- g) Other discharge provisions of this Section notwithstanding, a child leaving the day care home to attend school shall be released in accordance with the written authorization of the parent(s) or guardian. Such authorization shall include the time that the child is to be released and the means of transportation the child is to use.

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(Source: Amended at 18 Ill. Reg. _____, effective APR 01 1994)

Section 406.13 Number and Ages of Children Served

- a) The maximum number of children cared for in a day care home shall be 12 children under the age of 12, including the caregiver's own children, related children, and unrelated children.
- b) A caregiver alone may care for:
 - 1) A mixed age group consisting of:
 - A) Up to eight children under the age of 12, of which
 - B) Up to five children may be under the age of five, of which
 - C) Up to three children may be under 24 months of age.
 - 2) A pre-school group consisting of:
 - A) Up to eight children under the age of 12, of which
 - B) Up to six children may be under the age of five, of which
 - C) No child may be under age three.
- 3) A school age group consisting of eight school age children, as defined in Section 406.2.
- c) In addition to the children who may receive day care in accordance with subsection (b) above, a day care home may accept four additional children who are attending school full-time if a before and/or after school assistant is employed and a fire clearance is obtained. Care provided for children who attend school full-time is limited to before and/or after school, holidays, weekends, during unforseen school closings, and during the summer. The assistant shall be present at all times when school children are present.
- d) A caregiver and an assistant may care for a total of eight children under five years of age of which up to five children may be under 24 months of age. Four additional children who are attending school full-time may be accepted for care only if the assistant is age 18 or over and a fire clearance is obtained. Care provided for children who attend school full-time is limited to before and/or after school, holidays, weekends, during unforseen school closings, and during the summer.
- e) In the event of a brief unforeseen school closing, the caregiver may accept one additional school-age child and still be considered in compliance with the capacity requirements, as long as the total number of children under age 12 in the home does not exceed the maximum of 12 children. The caregiver shall maintain a record of the dates, names and ages of the children for whom this care was provided.
- f) When the acceptance of siblings of children who are already in care will place the licensee out of compliance with the established age groupings, the licensee may develop a transition plan which will be submitted to the licensing representative for review and approval. The plan may be approved when:
 - 1) The licensee is not currently operating under a transition plan and is in full compliance with all the licensing standards,
 - 2) At least one of the siblings has been in care for 30 days or

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more, and

- 3) The transition plan will bring the home back into compliance with the established age groupings within 6 months of the date the plan is approved.

g) Caregivers licensed as of the effective date of these amendments who are in full compliance with the standards of this Part may request in writing an increase in license capacity to the maximum of 12 children. A decision regarding the increase in capacity shall be rendered within 90 days of receipt of the request. Decisions shall be made in accordance with the amended standards of this Part.

h) ~~This Section is effective for a two-year period ending March 31, 1994. The Department will review the impact of this Section on licensed day care homes and on the safety and well-being of the children and the caregiving environment. The Department shall propose amendments, as indicated, no later than July 17, 1993.~~

(Source: Amended 18 Ill. Reg. _____, effective APR 01 1994)

Section 406.14 Health and Medical Care

a) The caregiver shall conduct a daily, pre-admissions screening to determine if the child has obvious symptoms of illness. If symptoms of illness are present, the caregiver shall determine whether or not to provide care for the child, depending upon the apparent degree of illness, other children present, and facilities available to provide care for the ill child.

b) Child(ren) with diarrhea and those with a rash combined with fever (oral temperature of 100 degrees Fahrenheit or higher) shall not be admitted to the day care home while these symptoms persist, and shall be removed as soon as possible should these symptoms develop while the child is in care.

c) A medical report, on forms prescribed by the Department, shall be on file for each child and shall be dated no earlier than 6 1/2 months prior to enrollment.

1) The medical report shall be valid for two years, except that subsequent examinations for school-age children shall be in accordance with the requirements of the School Code (Ill. Rev. Stat. 1991, ch. 122, Article 27, par. 27-8.1) [105 ILCS 5/27-8.1] provided copies of the exam are on file at the facility.

2) A tuberculin skin test shall be included in the initial exam only. The test shall be administered by the Mantoux method in accordance with the rules of the Illinois Department of Public Health.

3) Lead screening shall be completed for children age six and below in accordance with the rules of the Illinois Department of Public Health (77 Ill. Adm. Code 665).

4) The report shall indicate that the child has been immunized as

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required by the rules of the Illinois Department of Public Health for immunizations. These required immunizations are poliomyelitis, measles, rubella, diphtheria, mumps, pertussis, tetanus, and haemophilus influenzae B.

5) 4) In accordance with the Child Care Act of 1969, as amended, a parent may request that immunizations, physical examinations, and/or medical treatment be waived on religious grounds. A request for such waiver shall be in writing, signed by the parent, and kept in the child's record.

6) 5) Exceptions made for children who for medical reasons should not be subjected to immunizations or tuberculin tests shall be so indicated by the physician on the child's medical form.

d) A child suspected of having or diagnosed as having a reportable infectious, contagious, or communicable disease for which isolation is required by the Illinois Department of Public Health's General Procedures for the Control of Communicable Diseases (77 Ill. Adm. Code 690.1000) shall be excluded from the home until the Illinois Department of Public Health or local health department authorized by it states, in writing, that the communicable, contagious or infectious stage of the disease has passed and that the child may be re-admitted to the day care home.

e) Necessary medications shall be administered according to specific instructions.

1) Prescription medicine labels must bear the child's name, the physician's name, the name of the drug store or pharmacy, prescription number, date of the prescription, and directions for administering.

2) Non-prescription medication may be administered upon written parental permission which specifies the duration and frequency of medication. Such medication shall be administered in accordance with package instructions, and, except for aspirin and aspirin substitutes, shall be labeled with the child's name and dated.

3) There shall be a signed statement by the child's parent or guardian giving permission to the caregiver to administer medication to the child.

4) The caregiver shall maintain a record of the dates, hours and dosages which are given.

5) Medication shall be returned to the parent(s) when it is no longer required. Additionally, medication provided for a child no longer cared for in the facility and medication which has reached its expiration date shall be destroyed.

6) Medical services, such as direct medical care to the child, shall be administered as required by a physician, subject to the receipt of appropriate releases from parents.

f) In order to reduce the risk of infection or contagion to others, space must be provided in the day care home for the isolation and observation of a child who becomes ill. An ill child shall be provided a bed or cot away from other children and a caregiver or assistant shall supervise the child at all times he/she is in the

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home.

- g) When a day care home admits ill or injured children, a plan for the care of such children must be agreed upon with the parent(s) to assure that the needs of the children for rest, attention, personal care and administration of prescribed medication are met. No child requiring exclusion from the home in accordance with 77 Ill. Adm. Code 690 may be admitted.

- h) Personal hygiene standards, such as the following, shall be observed:
- 1) Each child shall be provided with an individual towel, washcloth, and drinking cup. Single-use, disposable articles are acceptable.

- 2) A separate sleeping arrangement, such as a bed, cot, crib, or playpen with individual bedding shall be provided for each child. A twin size bed may be used, for 2 children under age 4, provided each child shall have individual sheets.

- A) The bed shall be kept in a clean and sanitary condition at all times, and bedding shall be suitable for the season.

- B) Family beds may be used for children if separate linens are used.

- C) Rubber sheets shall be used when necessary.

- 3) The caregiver shall require parents to supply clothing suitable to weather conditions, as well as a complete change of clothing in case of need.

- 4) Caregivers and children shall wash and dry their hands before meals, after toileting, and after contact with respiratory secretions.

- 5) Open cuts, sores or lesions on caregiver(s) or child(ren) shall be covered.

- 6) Caregivers shall wash their hands prior to food preparation and after any physical contact with a child during food preparation. Hands shall be dried using single-use towels.

- 7) Sheets shall be changed when soiled and at least weekly.

- 8) Clothing soiled due to toilet accidents shall be changed immediately.

- i) Caregiver(s) shall take reasonable measures to reduce the spread of communicable disease among children in the facility by observing such procedures as:

- 1) Using only washable toys with diapered child(ren);

- 2) Washing washable toys at least once per day;

- 3) Cleaning facility-provided stuffed toys;

- 4) Washing toys mouthed by one child before they are used by another child; and

- 5) Washing pacifiers and other items placed in the mouth if dropped to the floor or ground.

- j) There shall be an emergency plan for each child in case of accident or sudden illness.

- 1) The caregiver shall have available at all times the name, address, and telephone number where the child's parents or guardian, relative, friend, or physician, and the Department can

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be reached.

- 2) There shall be a planned source of readily available emergency medical care; a hospital emergency medical room, clinic, or the child's physician.

- 3) When the caregiver accompanies a child to the source of emergency care, an adult who meets the standards prescribed by Section 406.11, must assume supervision of other children in the home.

- 4) In case of illness or accident, the parent, guardian, or supervising agency responsible for the child shall be notified immediately, and the child shall be removed from the home as soon as possible.

(Source: Amended at 18 Ill. Reg. _____, effective APR 01 1994)

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NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Licensing Standards for Group Day Care Homes
- 2) Code Citation: 89 Ill. Adm. Code 408
- 3) Section Numbers: Adopted Action:

408.60	Amend
408.65	Amend
408.70	Amend
- 4) Statutory Authority: Implementing the Child Care Act of 1969 (Ill. Rev. Stat. 1991, ch. 23, pars. 2211 et seq.) [225 ILCS 10/1] and authorized by the Child Care Act of 1969 (Ill. Rev. Stat. 1991, ch. 23, par. 2217) [225 ILCS 10/7]
- 5) Effective Date: April 1, 1994
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Do the Amendments contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: April 1, 1994
- 9) Notice of Proposal Published in Illinois Register:

17 Ill. Reg. 11976, July 30, 1993
- 10) Has JCAR issued a Statement of Objections to the Amendments? No.
- 11) Differences between proposal and final version:

The authority note was modified in accordance with the letter of agreement with JCAR.

The second sentence in Section 408.60 (b) was modified to state in part " ... as required by Department of Public Health rules "

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- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.
- 13) Will these Amendments replace an emergency rule currently in effect? No.
- 14) Are there Amendments pending on this Part? Yes.

<u>Section Numbers:</u>	<u>Illinois Register Citation:</u>
408.30	18 Ill. Reg. 2700, February 25, 1994
408.40	18 Ill. Reg. 2700, February 25, 1994
408.45	18 Ill. Reg. 2700, February 25, 1994
408.65	18 Ill. Reg. 2700, February 25, 1994
- 15) Summary and Purpose of Amendments:

These adopted amendments remove the automatic repealer date from Section 408.65 and recognize that child health examinations must include a blood lead level screening, as required by the rules of the Department of Public Health.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Jacqueline Nottingham, Chief
Office of Rules and Procedures
Department of Children and Family Services
406 E. Monroe Street, Station # 222
Springfield, Illinois 62701-1498

Phone: (217) 524-1983
TTY: (217) 524-3715

The full text of the Adopted Amendments begins on the next page.

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER e: REQUIREMENTS FOR LICENSURE

PART 408
LICENSING STANDARDS FOR GROUP DAY CARE HOMES

- Section 408.1 Purpose
- 408.5 Definitions
- 408.7 Effective Date of Standards
- 408.10 Application For License
- 408.15 Application for Renewal of License
- 408.20 Provisions Pertaining to the License
- 408.25 Provisions Pertaining to Permits
- 408.30 General Requirements for Group Day Care Homes
- 408.35 General Requirements for Group Day Care Home Family Background Checks
- 408.40 Caregiver(s)
- 408.45 Child Care Assistant(s)
- 408.50 Substitute(s)
- 408.55 Admission and Discharge Procedures
- 408.60 Number and Ages of Children Served
- 408.65 Health and Medical Care
- 408.70 Discipline of Children
- 408.75 Nutrition and Meals
- 408.80 Program
- 408.85 Transportation of Children
- 408.90 Swimming
- 408.95 Children with Special Needs
- 408.100 Children Under 30 Months of Age
- 408.105 School Age Children
- 408.110 Night Care
- 408.115 Records and Reports
- 408.120 Confidentiality of Records and Information
- 408.125 Cooperation with the Department
- 408.130 Severability of This Part
- 408.135 Meal Pattern Chart for Children 0 to 12 Months of Age
- APPENDIX A Meal Pattern Chart for Children Over One Year of Age
- APPENDIX B Minimum Equipment and Supplies - Preschool Programs
- APPENDIX C Minimum Equipment and Supplies - Infant and Toddler Programs
- APPENDIX D

AUTHORITY: Implementing and authorized by the Child Care Act of 1969 (Ill. Rev. Stat. 1991, ch. 23, pars. 2211 et seq.) [225 ILCS 10], Section 3 of the Abused and Neglected Child Reporting Act (Ill. Rev. Stat. 1991, ch. 23, par. 2053) [325 ILCS 5/3], and Sections 821 and 822 of the Facilities Requiring Smoke Detectors Act (Ill. Rev. Stat. 1991, ch. 127 1/2, pars. 821 and 822) [425 ILCS 10/1 and 2].

SOURCE: Adopted at 13 Ill. Reg. 14828, effective October 1, 1989; emergency amendment at 15 Ill. Reg. 15104, effective October 8, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 8950, effective May 30, 1992; amended at 18 Ill. Reg. , effective APR 01 1994.

Section 408.60 Admission and Discharge Procedures

- a) Child(ren) served in a day care facility shall not remain on the premises for more than 12 hours in any 24-hour period unless the parent's employment schedule requires more than 12 hours of day care. At no time shall child(ren) cared for in a day care facility remain on the premises for 24 consecutive hours.
- b) Prior to acceptance of a child for care, the caregiver shall require that the parent(s) or guardian accompany the child to the home to become acquainted with the caregiver and with the service to be provided. No child under six years of age may be admitted to the group day care home unless the health examination, completed with lead screening, has been completed as required by Department of Public Health rules 77 Ill. Adm. Code 665, Child Health Examination. The parent(s) or guardian shall be permitted to visit the home, without prior notice, during the hours their child(ren) is/are in care.
- d) The caregiver(s) shall conduct a daily, preadmissions screening to determine if the child has obvious symptoms of illness. If symptoms of illness are present, the caregiver shall determine whether or not to provide care for the child, depending upon the apparent degree of illness, other children present, and facilities available to provide care for the ill child in accordance with the requirements of Section 408.70.
- e) Child(ren) with diarrhea and those with rash combined with fever (oral temperature of 100 degrees Fahrenheit or higher) shall not be admitted to the group day care home while these symptoms persist, and shall be removed as soon as possible should these symptoms develop while the child is in care.
- f) A child shall be discharged from the facility only to the child's parent(s) or guardian or to a person designated in writing by the parent(s) or guardian to receive the child.
- g) The caregiver shall refuse to release a child to any person, whether related or unrelated to the child, who has not been authorized, in writing, by the parent(s) or guardian to receive the child. Persons not known to the caregiver shall be required to provide a driver's license (with photo) or photo identification card issued by the Illinois Secretary of State to establish their identity prior to a child's release to them.
- h) The facility shall maintain a list of persons designated, in writing, by the parent(s), or guardian to whom the facility can be expected to discharge the child at least once per week. These persons, in addition to the parent(s) or guardian, shall constitute the primary list of persons to whom the child may be released. In addition, the

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facility shall maintain a contingency list of persons designated, in writing, by the parent(s) or guardian to whom the child may be released less frequently than once per week. When the child is released to a person on the contingency list, the facility shall maintain a record of the person to whom the child was released, the date and time that the child was released, and the manner that the child left the facility (whether on foot, by passenger car, by taxicab or other means of transportation.)

- i) Other discharge provisions of this Section notwithstanding, a child leaving the group day care home to attend school shall be released in accordance with the written authorization of the parent(s) or guardian. Such authorization shall include the time that the child is to be released and the means of transportation the child is to use.

(Source: Amended at 18 Ill. Reg. _____, effective
APR 01 1994)

Section 408.65 Number and Ages of Children Served

- a) The maximum number of children cared for in a group day care home shall be 16 children under the age of 12, including the caregiver's own children, related children, and unrelated children.
- b) Twelve (12) children between 3 and 6 years of age may be cared for by a caregiver and an assistant 18 years of age or older. The assistant must be present when more than six (6) such children are present.
- c) Except as provided by subsection (b) above, the number of children to be served in the group day care home at any one time (license capacity) when a caregiver and assistant are present shall be determined in accordance with the following:
 - 1) No more than four (4) children under 15 months of age shall be cared for in a group day care home; and
 - 2) No more than six (6) children under 30 months of age shall be cared for in a group day care home of which no more than four (4) children may be under 15 months of age;
 - 3) No more than twelve (12) children under six (6) years of age shall be cared for in a group day care home of which no more than six (6) children may be under 30 months of age and four (4) under 15 months of age.

- d) A caregiver alone may care for:
 - 1) A mixed age group consisting of:
 - A) Up to eight children under twelve years of age, of which
 - B) Up to five children may be under five years of age, of which
 - C) No more than three children may be under 24 months of age; or
 - 2) Up to eight pre-school children if no child is under age three; or
 - 3) Up to twelve school age children as defined by Section 408.5.

- e) In addition to the children who may receive day care in accordance with the requirements above, a group day care home may accept four

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additional children who are attending school full-time if a part-time before and/or after school assistant is employed and a life clearance is obtained. Care provided for children who attend school full-time is limited to before and/or after school, holidays, weekends, during unforeseen school closings, and during the summer. The assistant shall be present at all times when school children are present.

- f) In the event of a brief unforeseen school closing, the caregiver may accept one additional school-age child and still be considered in compliance with the capacity requirements, as long as the total number of children under age 12 in the home does not exceed the maximum of 16 children. The caregiver shall maintain a record of the dates, names and ages of the children for whom this care was provided.

- g) When acceptance of siblings of children who are already in care will place the licensee out of compliance with the established age groupings, the licensee may develop a transition plan which will be submitted to the licensing representative for review and approval. The plan may be approved when:
 - 1) The licensee is not currently operating under a transition plan and is in full compliance with all the licensing standards, and
 - 2) At least one of the siblings has been in care for 30 days or more, and
 - 3) The transition plan will bring the home back into compliance with the established age groupings within six months of the date the plan is approved.

- h) Caregivers licensed as of the effective date of these amendments who are in full compliance with the standards of this Part may request in writing an increase in licensed capacity to the maximum. A decision regarding the increase in capacity shall be rendered within ninety days of receipt of the request. Decisions shall be made in accordance with the amended standards of this Part.

- i) ~~This Section is effective for a two-year period ending March 31, 1994. The Department will review the impact of this Section on licensed day care homes and on the safety and well-being of the children and the caregiving environment. The Department shall propose amendments, as indicated, no later than July 17, 1993.~~

(Source: Amended at 18 Ill. Reg. _____, effective
APR 01 1994)

Section 408.70 Health and Medical Care

- a) A medical report, on forms prescribed by the Department, shall be on file for each child and shall be dated no earlier than 6 months prior to enrollment.

- 1) The medical report shall be valid for two years, except that subsequent examinations for school-age children shall be in accordance with the requirements of Section 27-8.1 of the School Code (Ill. Rev. Stat., Ch. 122, par. 27-8.1) [105 ILCS 5/27-8.1], provided copies of the exam are on file at the

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facility.

- 2) A tuberculin skin test shall be included in the initial exam only. The test shall be administered by the Mantoux method in accordance with the rules of the Illinois Department of Public Health.
- 3) Lead screening shall be completed for children age six and below in accordance with the rules of the Illinois Department of Public Health (77 Ill. Adm. Code 665).
- 3)4) The report shall indicate that the child has been immunized as required by the rules of the Illinois Department of Public Health for immunizations. These required immunizations are poliomyelitis, measles, rubella, diphtheria, mumps, pertussis, tetanus and haemophilus influenzae B.
- 4)5) In accordance with the Child Care Act of 1969, as amended, a parent may request that immunizations, physical examinations, and/or medical treatment be waived on religious grounds. A request for such waiver shall be in writing, signed by the parent, and kept in the child's record.
- 5)6) Exceptions made for children who for medical reasons should not be subjected to immunizations or tuberculin test shall be so indicated by the physician on the child's medical form.
- b) A child suspected of having or diagnosed as having a reportable infectious, contagious, or communicable disease for which isolation is required by the Illinois Department of Public Health's General Procedures for the Control of Communicable Disease (77 Ill. Adm. Code 690.1000) shall be excluded from the home until the Illinois Department of Public Health or local health department authorized by it states, in writing, that the communicable, contagious or infectious stage of the disease has passed and that the child may be re-admitted to the group day care home.
- c) Necessary medications shall be administered according to specific instructions.
 - 1) Prescription medicine labels must bear the child's name, the physician's name, the name of the drug store or pharmacy, prescription number, date of the prescription, and directions for administering.
 - 2) Nonprescription medication provided by the parent(s) may be administered upon written parental permission which specifies the duration and frequency of medication. Such medication shall be administered in accordance with package instructions, and shall be labeled with the child's name and dated.
 - 3) There shall be a signed statement by the child's parent or guardian giving permission to the caregiver to administer medication to the child.
 - 4) The caregiver shall maintain a record of the dates, hours and dosages which are given.
 - 5) Medication shall be returned to the parent(s) when it is no longer required. Additionally, medication provided for a child no longer cared for in the facility and medication which has

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reached its expiration date shall be destroyed.

- 6) Medical services, such as direct medical care to the child, shall be administered as required by a physician, subject to the receipt of appropriate releases from parent(s).
- d) Personal hygiene standards, such as the following, shall be observed:
 - 1) Each child shall be provided with an individual towel, washcloth, and drinking cup. Single-use, disposable articles are acceptable.
 - 2) A separate sleeping arrangement, such as a bed, cot, crib, or playpen with individual bedding shall be provided for each child. A twin size bed may be used, for 2 children under age 4, provided each child shall have individual sheets.
 - A) The bed shall be kept in a clean and sanitary condition at all times, and bedding shall be suitable for the season.
 - B) Family beds may be used for child(ren) if separate linens are used.
 - C) Rubber sheets shall be used when necessary.
 - 3) The caregiver shall require parent(s) to supply clothing suitable to weather conditions, as well as a complete change of clothing in case of need.
 - 4) Caregiver(s) and child(ren) shall wash and dry their hands before meals, after toileting, and after contact with respiratory secretions.
 - 5) Open cuts, sores or lesions on caregiver(s) or child(ren) shall be covered.
 - 6) Caregiver(s) shall wash their hands prior to food preparation and after any physical contact with a child during food preparation. Hands shall be dried using single-use towels.
 - 7) Sheets shall be changed when soiled and at least weekly.
 - 8) Clothing soiled due to toilet accidents shall be changed immediately.
- e) In order to reduce the risk of infection or contagion to others, there must be space provided in the group day care home for the isolation and observation of a child who becomes ill. An ill child shall be provided a bed or cot away from other children and a caregiver or assistant shall supervise the child at all times he/she is in the home.
- f) When a group day care home admits an ill or injured child(ren), a plan for the care of such child(ren) must be agreed upon with the parent(s) to assure that the needs of the child(ren) for rest, attention, personal care and administration of prescribed medication are met. No child requiring exclusion from the home in accordance with 77 Ill. Adm. Code 690 may be admitted.
- g) Caregiver(s) shall take reasonable measures to reduce the spread of communicable disease among children in the facility by observing such procedures as:
 - 1) Using only washable toys with diapered child(ren);
 - 2) Washing washable toys at least once per day;

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- 3) Cleaning facility-provided stuffed toys;
 - 4) Washing toys mouthed by one child before they are used by another child; and
 - 5) Washing pacifiers and other items placed in the mouth it dropped to the floor or ground.
- h) There shall be an emergency plan for each child in case of accident or sudden illness.
- 1) The caregiver shall have available at all time the name, address, and telephone number where the child's parents or guardian, relative, friend, or physician, and the Department can be reached.
 - 2) There shall be a planned source of readily available emergency medical care; a hospital emergency medical room, clinic, or the child's physician.
 - 3) When the caregiver accompanies a child to the source of emergency care, an adult must assume supervision of other child(ren) in the home.
 - 4) In case of illness or accident, the parent, guardian, or supervising agency responsible for the child shall be notified immediately.

(Source: Amended at 18 Ill. Reg. , effective
 APR 01 1994)

ILLINOIS REGISTER

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED REPEALER

- 1) The Heading of the Part: Article 34 School and Subdistrict Councils
- 2) Code Citation: 23 Ill. Adm. Code 610
- 3) Section Number:
 610.10 Repealed
 610.20 Repealed
 610.30 Repealed
 610.40 Repealed
 610.50 Repealed
 610.60 Repealed
Adopted Action:
 Repealed
 Repealed
 Repealed
 Repealed
 Repealed
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 122, par. 2-3.6 [105 ILCS 5/2-3.6]
- 5) Effective Date of Repealer: MAR 24 1994
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this repealer contain incorporations by reference? The rules do not contain an incorporation by reference under Section 5-75 of the Illinois Administrative Procedure Act.
- 8) Date Filed in Agency's Principal Office: March 21, 1994.
- 9) Notice of Proposal Published in Illinois Register:
 October 15, 1993; 17 Ill. Reg. 17603.
- 10) Has JCAR issued a Statement of Objections to these rules?
 None.
- 11) Difference(s) between proposal and final version: None.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?
 No changes were requested.
- 13) Will this repealer replace an emergency repealer currently in effect? No.
- 14) Are there any amendments pending on this Part? No.
- 15) Summary and Purpose of Repealer: This entire Part is being repealed. The councils described herein have been replaced by local school councils established pursuant to P.A. 85-1418.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED REPEALER

- 16) Information and questions regarding this adopted repealer shall be directed to:

Name: Sally Vogl
 Agency Rules Coordinator
 Address: Illinois State Board of Education
 100 North First Street
 Springfield, Illinois 62777-0001
 Telephone: (217) 782-3950

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED REPEALER

- 1) The Heading of the Part: Reorganization Committees
- 2) Code Citation: 23 Ill. Adm. Code 550
- 3)

<u>Section Number:</u>	<u>Adopted Action:</u>
550.50	Repealed
550.100	Repealed
550.200	Repealed
550.300	Repealed
550.400	Repealed
550.500	Repealed
550.600	Repealed
550.700	Repealed
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 122, par. 1502-1 et seq. [105 ILCS 220/1 et seq.]
- 5) Effective Date of Repealer: MAR 24 1994
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this repealer contain incorporations by reference? The rules do not contain an incorporation by reference under Section 5-75 of the Illinois Administrative Procedure Act.
- 8) Date Filed in Agency's Principal Office: March 21, 1994.
- 9) Notice of Proposal Published in Illinois Register:
October 15, 1993; 17 Ill. Reg. 17611.
- 10) Has JCAR issued a Statement of Objections to these rules?
No.
- 11) Difference(s) between proposal and final version: None.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?
No changes were requested.
- 13) Will this repealer replace an emergency repealer currently in effect? No.
- 14) Are there any amendments pending on this Part? No.
- 15) Summary and Purpose of Repealer: This entire Part is being repealed. All of the activities contemplated in these rules have been completed and these rules are no longer necessary.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED REPEALER

- 16) Information and questions regarding this adopted repealer shall be directed to:

Name: Sally Vogl
 Agency Rules Coordinator
 Illinois State Board of Education
 Address: 100 North First Street
 Springfield, Illinois 62777-0001
 Telephone: (217) 782-3950

ILLINOIS REGISTER

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: LICENSING OF RADIOACTIVE MATERIAL

- 2) Code Citation: 32 Ill. Adm. Code 330

- 3) Section Number:

330.10	Adopted Action:
330.15	Amendment
330.30	New Section
330.40	Amendment
330.200	Amendment
330.210	Amendment
330.220	Amendment
330.240	Amendment
330.250	Amendment
330.260	Amendment
330.270	Amendment
330.280	Amendment
330.300	Amendment
330.310	Amendment
330.320	Amendment
330.400	Amendment
330.900	Amendment
330.Appendix A	Amendment
330.Appendix B	Amendment
330.Appendix D	Amendment
330.Appendix G	Amendment
330.Appendix H	Amendment

- 4) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 (Ill. Rev. Stat. 1991, ch. 111½, par. 210-1 et seq.) [420 ILCS 40].

- 5) Effective Date of Amendments: **MAR 29 1994**

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this amendment contain incorporations by reference? Yes

- 8) Date filed in Agency's Principal Office: March 28, 1994

- 9) Notice of Proposal Published in the Illinois Register:

September 10, 1993 (17 Ill. Reg. 14417)

- 10) Has JCAR issued a Statement of Objections to these Amendments? No

DEPARTMENT OF NUCLEAR SAFETY
NOTICE OF ADOPTED AMENDMENT

11) Differences between proposal and final version:

- a) In the Table of Contents, by deleting the Section number 330 before the word "Appendix" and "Table", by retaining the word "APPENDIX", and by changing the word "Table" to the word "TABLE".
- b) In Section 330.10(a), on line 3, by deleting the comma after the word "own".
- c) In Section 330.30:
 - in subsection (a), on line 2, by deleting the comma after the word "own"; on line 3, by deleting the comma after the word "solution"; and on line 5, by deleting the comma after the word "solution";
 - in subsection (b), on line 2, by deleting the comma after the word "uses";
 - in subsection (c), on line 2, by deleting the comma after the word "uses";
 - in subsection (c)(1)(A), by changing the comma to a semi-colon at the end of the subsection;
 - in subsection (c)(1)(B), by changing the comma to a semi-colon at the end of the subsection;
 - in subsection (c)(1)(C), by changing the comma to a semi-colon at the end of the subsection;
 - in subsection (c)(1)(D), by changing the comma to a semi-colon at the end of the subsection;
 - in subsection (c)(1)(E), by changing the comma to a semi-colon at the end of the subsection;
 - in subsection (c)(1)(F), on line 3, by deleting the comma after the word "uranium" and by changing the comma to a semi-colon after the word "these";
 - in subsection (c)(2)(A), by changing the comma to a semi-colon at the end of the subsection;
 - in subsection (c)(2)(B), by changing the comma to a semi-colon at the end of the subsection;

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- in subsection (c)(2)(C), on line 3, by deleting the comma after the word "tile" and by changing the comma to a semi-colon at the end of the subsection;
 - in subsection (c)(5)(B), by changing the comma to a semi-colon at the end of the subsection; and in the Agency Note, on line 2, by retaining the subsection label "(c)(5)";
 - in subsection (c)(5)(C), by changing the comma to a semi-colon at the end of the subsection; and in the Agency Note, on line 2, by retaining the subsection label "(c)(5)";
 - in subsection (c)(5)(CD), by deleting the comma after the word "physical";
 - in subsection (c)(7), on line 3, by deleting the comma after the word "thorium";
 - in subsection (c)(7)(A), on line 1, by deleting the comma after the word "grinding" and by changing the comma to a semi-colon after the word "lens";
 - in subsection (c)(7)(B), on line 1, by deleting the comma after the word "use";
 - in subsection (c)(9)(A), by changing the comma to a semi-colon after the word "dioxide".
- d) In Section 330.40:
- in subsection (a)(1), on line 3, by deleting the comma after the word "owns"; and on line 7, by inserting "(a)" after the word "subsection";
 - in subsection (a)(2), on line 7, by deleting the comma after the phrase "Agreement State";
 - in subsection (b)(1), on line 3, by deleting the comma after the word "owns";
 - in subsection (b)(3), on line 5, by inserting the word "this" after the word "under"; and on lines 8 and 15, by deleting the comma after the phrase "Agreement State";
 - in subsections (c)(1)(A)(iv, v, vi and viii), on lines 1 and 4, by changing the phrase "μCi" to microCi";

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in subsection (c)(1)(A)(vi), on lines 5, 7 and 10, by changing the phrase "grad" to microrad";

in subsection (c)(1)(C), on line 3, by changing the phrase "uCi" to microCi";

in subsections (c)(1)(G)(ii, iii, iv, v and vi), on line 1, by changing the phrase "uCi" to microCi"; and in the Agency Note, on line 2, by inserting "(c)(1)" after the word "subsection";

in subsection (c)(1)(H), in the Agency Note, on line 2, by inserting "(c)(1)" after the word "subsection";

in subsection (c)(1)(I), on line 2, by changing the phrase "uCi" to microCi";

in subsection (c)(2)(A), on line 1, by deleting the comma after the number "85"; on line 2, by deleting the comma after the word "process"; on line 3, by deleting the comma after the number "85"; on line 6, by deleting the comma after the word "owns" and after the number "85"; on line 8, by deleting the comma after the word "imported"; and on line 15, by deleting the comma after the number "85";

in subsection (c)(2)(B), on line 3, by deleting the comma after the word "transfers";

in subsection (c)(3)(A), on line 1, by deleting the comma after the word "produce"; on line 7, by deleting the comma after the word "owns"; and on line 12, by deleting the comma after the word "imported"; in the Agency Note, on line 2, by deleting the comma after the word "processor"; and on line 3, by deleting the comma after the word "commodity";

in subsection (c)(3)(B), on line 5, by inserting "(c)(3)" after the word "subsection"; and on line 8, by deleting the comma after the word "device";

in subsection (c)(3)(C), on line 5, by inserting "(c)(3)" after the word subsection"; and on line 8, by deleting the comma after the word "distribution";

in subsection (c)(4), on line 4, by deleting the comma after the word "owns".

e) In Section 330.210:

in subsection (a), on line 6, by deleting the comma after the word "commercial";

in subsection (b), on lines 1 and 5, by deleting the comma after the word "use";

in subsection (c), on line 3, by deleting the comma after the word "use";

in subsection (d)(1), on line 2, by deleting the comma after the word "use"; and on line 3, by inserting "(d)" after the word "subsections";

in subsection (d)(2), on line 1, by inserting "(d)" after the word "subsection";

in subsection (d)(3), on line 1, by deleting the comma after the word "possess"; and on line 3, by inserting "(d)" after the word "subsection";

in subsection (d)(3)(A)(ii), on line 5, by inserting "(d)" after the word "subsection";

in subsection (d)(3)(A)(iii), on line 1, by deleting the comma after the word "address"; and on line 5, by inserting "(d)(3)(A)" after the word "subsection";

in subsection (d)(4), on line 1, by deleting the comma after the word "possesses"; and on line 3, by inserting "(d)" after the word "subsection";

in subsection (d)(4)(A), on line 2, by deleting the comma after the word "physical";

in subsection (d)(4)(B), on lines 5 and 16, by inserting "(d)" after the word "subsection";

in subsection (d)(5), on line 1, by deleting the comma after the word "using"; and on line 3, by inserting "(d)" after the word "subsection".

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f) In Section 330.220:

in subsection (a), on line 9, by deleting the comma after the number "400";

in subsection (a)(1), on line 4, by changing the phrase "μCi" to "microCi";

in subsection (a)(2), on line 4, by changing the phrase "μCi" to "microCi";

in subsection (b)(1), on line 4, by deleting the comma after the word "use"; on line 6, by inserting "(b)" after the word "subsections"; and on line 9, by deleting the comma after the word "gauging";

in subsection (b)(2), on line 1, by retaining the section label "(b)" after the word "subsection"; and on lines 8 and 10, by deleting the comma after the phrase "Agreement State";

in subsection (b)(3), on line 1, by deleting the comma after the word "uses"; and on line 3, by retaining the section label "(b)" after the word "subsection";

in subsection (b)(3)(B)(i), on line 3, by changing the comma to a semi-colon after the word "material";

in subsection (b)(3)(B)(ii), on lines 2 and 4, by changing the phrase "μCi" to "microCi";

in subsection (b)(3)(C), on line 2, by retaining the section label "(b)(3)" after the word "subsection";

in subsection (b)(3)(C)(i), on line 2, by changing the comma to a semi-colon after the word "labels";

in subsection (b)(3)(C)(ii), on line 3, by deleting the comma after the word "State";

in subsection (b)(3)(D), on line 2, by retaining the section label "(b)(3)" after the word "subsection"; on line 8, by deleting the comma between the words "of" and "and"; and on lines 10, 15 and 20 by retaining the section label "(b)(3)" after the word "subsection";

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in subsection (b)(3)(E), on line 10, by deleting the comma after the word "State";

in subsection (b)(3)(G), on line 1, by retaining the section label "(b)(3)" after the word "subsection"; and on line 5, by deleting the comma after the word "State";

in subsection (b)(4), on line 1, by retaining the section label "(b)" after the word "subsection";

in subsection (b)(5), on line 1, by retaining the section label "(b)" after the word "subsection";

in subsection (c)(1)(B), on line 1, by deleting the comma after the word "assembled";

in subsection (c)(2), on line 1, by deleting the comma after the word "possess"; and on line 3, by retaining the section label "(c)" after the word "subsection";

in subsection (c)(3), on line 2, by deleting the comma after the word "assembly";

in subsection (c)(4), on line 2, by deleting the comma after the word "possession";

in subsection (d), on line 5, by deleting the comma after the word "possession";

in subsection (e)(1), on line 3, by retaining the section label "(e)" after the word "subsections";

in subsection (e)(2), on line 4, by retaining the section label "(e)" after the word "subsections";

in subsection (e)(3), on line 4, by retaining the section label "(e)" after the word "subsections";

in subsection (e)(4), on line 1, by retaining the section label "(e)" after the word "subsections"; and on line 10, by deleting the comma after the word "State";

in subsection (e)(5), on line 1, by retaining the section label "(e)" after the word "subsections"; and on line 5, by deleting the comma after the word "use";

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in subsection (e)(5)(A), on line 3, by changing the phrase "μCi" to microCi"; on line 4, by changing the phrase "μCi" to microCi"; and by deleting the comma after the word "plutonium"; and on line 5, by changing the phrase "μCi" to microCi";

in subsection (e)(5)(B), on line 1, by deleting the comma after the word "use";

in subsection (e)(5)(C), on line 1, by deleting the comma after the word "abandon"; and on line 4, by deleting the comma after the phrase "Agreement State";

in subsection (e)(6), on line 3, by deleting the comma after the word "plutonium";

in subsection (f)(1), on line 2, by deleting the comma after the word "laboratory"; on line 3, by deleting the comma after the word "transfer"; and on line 5, by retaining the section label "(f)" after the word "subsections";

in subsections (f)(1)(A), (B), (C), (D), (F), (G) and (H), on line 2, by changing the phrase "μCi" to microCi";

in subsection (f)(2), on line 1, by deleting the comma after the word "use"; on line 3, by retaining the section label "(f)" after the word "subsection"; and on line 6 and 11, by changing the phrase "*In Vitro*" to "In Vitro";

in subsection (f)(2)(A), on line 2, by deleting the comma after the word "laboratory";

in subsection (f)(2)(C), on line 2, by deleting the comma after the word "laboratory"; on line 3, by changing the phrase "*in vitro*" to "in vitro"; and on line 6, by retaining the section label "(f)" after the word "subsection";

in subsection (f)(3), on line 1, by deleting the comma after the word "possesses"; and on line 3, by retaining the section label "(f)" after the word "subsection";

in subsection (f)(3)(A), on line 6, by changing the phrase "μCi" to microCi"; and on line 3, by retaining the section label "(f)" after the word "subsection";

In subsection (f)(3)(C), on line 3, by retaining the section label "(f)" after the word "subsection";

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in subsection (f)(3)(D), on line 5, by deleting the comma after the phrase "Agreement State";

In subsection (f)(3)(E), on line 3, by retaining the section label "(f)" after the word "subsection";

in subsection (f)(4), on line 1, by deleting the comma after the word "possess"; on line 2, by retaining the section label "(f)" after the word "subsection";

in subsection (f)(4)(A), on line 6, by deleting the comma after the word "State"; on line 9, by deleting the comma after the number "57"; and on line 11, by deleting the comma after the word "equivalent";

in subsection (f)(4)(B)(i), on line 3, by deleting the comma after the word "laboratories"; and on line 4, by changing "*in vitro*" to "in vitro";

in subsection (f)(4)(B)(ii), on line 3, by deleting the comma after the word "laboratories"; and on line 4, by changing "*in vitro*" to "in vitro";

in subsection (f)(5), on line 1, by deleting the comma after the word "laboratory"; on line 3, by retaining the section label "(f)" after the word "subsection"; and on line 5, by changing "*In Vitro*" to "In Vitro";

in subsection (f)(6), on lines 2 and 6, by retaining the section label "(f)" after the word "subsection";

in subsection (g)(1), on line 4, by changing the phrase "μCi" to microCi";

in subsection (g)(2), on line 1, by deleting the comma after the word "use"; and on line 3, by retaining the section label "(g)" after the word "subsection";

in subsection (g)(3), on line 2, by deleting the comma after the word "disassembly";

g) In Section 330.240:

in subsection (e), on line 2, by deleting the comma after the word "statements";

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in subsection (g), on line 2, by deleting the comma after the word "possession".

h) In Section 330.250:

in subsection (b)(1), on line 12, by deleting the comma after the word "alternatives";

in subsection (b)(2), on line 5, by deleting the comma after the word "excavation";

in subsection (c)(1), on line 1, by retaining the section label "(c)" after the word "subsections"; on line 2, by deleting the comma after the word "renewal"; on line 5, by deleting the comma after the word "default"; on line 6, by deleting the comma after the word "part";

in subsection (c)(1)(A), on line 4, by deleting the comma after the word "policies"; and on line 6, by retaining the section label "(c)" after the word "subsection";

in subsection (c)(1)(A)(iii), on line 3, by deleting the comma after the word "processed";

in subsection (c)(1)(B), on line 8, by retaining the section label "(c)(1)" after the word "subsection";

in subsection (c)(1)(B)(i), on line 3, by retaining the section label "(c)(1)" after the word "subsection";

in subsection (c)(1)(C)(ii), on line 2, by retaining the section label "(c)(1)(C)" after the word "subsection";

in subsection (c)(1)(F), on line 4, by retaining the section label "(c)" after the word "subsection";

in subsection (c)(1)(G), on line 6, by retaining the section label "(c)" after the word "subsection"; and on line 7, by deleting the comma after the word "owns";

in subsection (c)(3)(G), on line 3, by removing the strikethrough and retaining the phrase "exclusive of subsequent amendments or additions";

in subsection (c)(1)(H), on line 5, by retaining the section label "(c)" after the word "subsection";

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in subsection (c)(1)(I), on line 2, by retaining the section label "(c)" after the word "subsection"; and on lines 3 and 8, by deleting the comma after the word "credit";

in subsection (c)(2), on line 1, by retaining the section label "(c)" after the word "subsection"; and on line 4, by changing the semi-colon to a period at the end of the subsection;

in subsection (c)(3)(G), on line 3, by retaining the phrase "exclusive of subsequent amendments or additions,"; and on line 5, by retaining the section label "(c)" after the word "subsection";

in subsection (c)(4), on line 2, by retaining the section label "(c)" after the word "subsection";

in subsection (c)(4)(A), on line 1, by deleting the comma after the word "local"; on line 2, by retaining the section label "(c)" after the word "subsection" and after the word "or";

in subsection (c)(5), on lines 1 and 23 by retaining the section label "(c)" after the word "subsection";

in subsection (c)(5)(D), on line 2, by deleting the comma after the word "generators";

i) In Section 330.260:

in subsection (c)(2)(A), on line 2, by changing the comma to a semi-colon after the initials "IND";

in subsection (c)(4), on line 6, by deleting the comma after the word "label";

in subsection (c)(8), on line 1, by changing "in vitro" to "in vitro";

in subsection (c)(10), on line 3, by deleting the comma after the word "quality".

j) In Section 330.270:

in the Agency Note, after the lead in paragraph, on line 2, by deleting the comma after the words "processor" and "commodity";

in subsection (b)(3)(C)(iii), on line 4, by retaining the section label "(b)(3)(C)" after the word "subsection";

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in subsection (c)(2)(B)(iii), on line 4, by retaining the section label "(c)(2)(B)" after the word "subsection";

in subsection (d)(2)(A), on line 3, by deleting the comma after the word "sciences";

in subsection (e)(1)(B), on line 1, by deleting the comma after the word "use";

in subsection (e)(1)(D), on line 2, by deleting the comma after the word "drug".

k) In Section 330.280:

in subsection (a)(1)(A), on line 11, by deleting the comma after the word "material";

in subsection (a)(1)(B), on line 7, by deleting the comma after the word "feasible"; and on line 9, by deleting the comma after the word "drug";

in subsection (a)(3)(C), on line 3, by inserting the word "this" after the word "under";

in subsection (a)(4), on line 2, by inserting the "a" after the word "subsection";

in subsection (b), in the Agency Note, on line 2, by deleting the comma after the word "processor"; and on line 3, by deleting the comma after the word "commodity";

in subsection (b)(1)(A), on line 2, by deleting the comma after the word "drug";

in subsection (b)(1)(B), on line 3, by deleting the comma after the word "sources"; and on line 6, by deleting the comma after the word "product";

in subsection (b), on line 1, by retaining the section label "(b)" after the word "subsection";

in subsection (b)(2)(B), on line 7, by changing the phrase "microCi" to "microCi"; and on line 8, by changing the phrase "microrem" to "microrem";

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in subsection (b)(2)(C)(i), on line 2, by changing the comma to a semi-colon after the word "activity";

in subsection (b)(2)(B), on line 2, by retaining the section label "(b)(2)" after the word "subsection";

in subsection (b)(2)(D)(i), on line 2, by changing the comma to a semi-colon after the word "requirements";

in subsection (b)(2)(D)(ii), on line 3, by deleting the comma after the word "Medicinals"; and on line 6, by changing the comma to a semi-colon after the word "Combined";

in subsection (b)(3), on line 1, by inserting the word "this" after the word "subsection";

in subsection (b)(3)(D), on line 3, by inserting "(b)(3)" after the word "subsection";

in subsection (d)(1), on line 6, by deleting the comma after the phrase "Agreement State";

in subsection (d)(1)(B)(ii), on line 4, by deleting the comma after the word "device";

in subsection (d)(1)(C)(i), on line 5, by changing the comma to a semi-colon at the end of the subsection;

in subsection (d)(1)(C)(iii), in the Agency Note, on line 2, by deleting the comma after the word "manufacturer"; and in the second paragraph after the Agency Note, on line 4, by deleting the comma after the word "equivalent";

in subsection (d)(3), on line 3, by deleting the comma after the word "State"; on line 8, by deleting the comma after the word "indicator"; on line 12, by deleting the comma after the word "activities"; and on line 16, by deleting the comma after the word "storage";

in subsection (d)(4)(B), on line 3, by deleting the comma after the phrase "Agreement State's"; on line 10, by deleting the comma after the phrase "Agreement State"; and on line 15, by deleting the comma after the phrase "Agreement State";

in subsection (d)(4)(C), on line 8, by deleting the comma after the word "transferred";

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in subsection (d)(4)(E), on line 7, by deleting the comma after the phrase "Agreement State"; and on line 12, by retaining the section label "(d)" after the word "subsection";

in subsection (e), on line 1, by deleting the comma after the word "Assembly";

in subsection (e)(1), on line 2, by deleting the comma after the word "assemble";

in subsection (e)(2), on line 8, by deleting the comma after the word "transferred";

in subsection (f), on line 2, by deleting the comma after the word "Plutonium"; and on line 6, by deleting the comma after the word "plutonium";

in subsection (g), on line 1, by changing "*In Vitro*" to "In Vitro"; and on line 6, by deleting the comma after the phrase "Agreement State";

in subsection (g)(2)(A), (B), (C), (D), (F), (G) and (H), on line 2, by changing the phrase "UCI" to microCi";

in subsection (g)(3)(A), on lines 4, 6 and 7, by changing the phrase "UCi" to microCi";

in subsection (g)(4)(A), on line 3, by deleting the comma after the word "laboratories"; and by changing "*in vitro*" to "in vitro";

in subsection (g)(4)(B), on line 3, by deleting the comma after the word "laboratories"; and by changing "*in vitro*" to "in vitro";

in subsection (i), on line 6, by deleting the comma after the number "335.4010";

in subsection (i)(2), on line 2, by deleting the comma after the word "labeled";

in subsection (i)(3), on line 3, by deleting the comma after the word "package";

in subsection (i)(4), on line 9, by deleting the comma after the number "335.4010"; on line 11, by deleting the comma after the phrase "Agreement State"; and on line 12, by deleting the comma after the word "leaflets";

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in subsection (j)(2)(A), on line 2, by deleting the comma after the word "labeled";

in subsection (j)(3), on line 3, by deleting the comma after the word "package";

in subsection (j)(5)(A), on line 5, by changing the comma to a semi-colon after the word "kit";

in subsection (j)(5)(B), on line 6, by deleting the comma after the phrase "Agreement State"; and on line 7, by deleting the comma after the word "leaflets";

in subsection (k)(3), on line 9, by deleting the comma after the phrase "Agreement State";

in subsection (l)(2), on line 7, by deleting the comma after the word "use";

in subsection (l)(5), on line 1, by changing the word "above" to the phrase "of this subsection";

in subsection (m), on line 1, by deleting the comma after the word "Import";

in subsection (m)(1), on line 1, by deleting the comma after the word "import";

in subsection (m)(1)(B), on line 1, by retaining the word "this" after the word "to";

in subsection (m)(2), on line 1, by deleting the comma after the word "importer";

in subsection (m)(2)(A), on line 4, by retaining the section label "(m)(2)" after the word "subsections";

in subsection (m)(2)(B)(iii), on line 3, by deleting the comma after the word "drawings";

in subsection (m)(2)(C)(iii), on line 2, by deleting the comma after the word "drawings";

in subsection (n)(2)(A), on line 2, by deleting the comma after the word "possessed"; and on line 4, by deleting the comma after the word "use";

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- in subsection (n)(2)(B), on line 2, by deleting the comma after the word "possessed"; and on line 4, by deleting the comma after the word "use".
- 1) In Section 330.300(b), on line 2, by deleting the comma after the word "regulation".
- m) In Section 330.310(a), on line 2, by deleting the comma after the word "provisions"; on line 2, by changing "The" to "the" within the parenthesis; and on line 5, by deleting the comma after the word "regulations".
- n) In Section 330.320(d)(1)(v), on line 2, by deleting the comma after the word "oils".
- o) In Section 330.400:
- in subsection (b)(4), on line 5, by deleting the comma after the phrase "Licensing State"; and on line 8, by deleting the comma after the phrase "Agreement State";
- in subsection (b)(5), on line 2, by retaining the section label "(d)" after the word "subsections";
- in subsection (c), on line 4, by deleting the comma after the phrase "Agreement State";
- in subsection (d)(4), on line 3, by deleting the comma after the word "State";
- in subsection (d)(5), on line 7, by deleting the comma after the phrase "Agreement State".
- p) In Section 330.900:
- in subsection (a), on line 1, by deleting the comma after the word "Source";
- in subsection (a)(1)(B), on line 2, by deleting the comma after the word "telegraph"; on line 6, by deleting the comma after the word "telefacsimile"; on lines 10 - 18 by removing the overstrike; on line 14, by inserting the phrase "of activities on that schedule" after the word "notifications"; and on line 15, by changing the phrase "remainder of the calendar year" to the phrase "12-month period";

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- in subsection (a)(1)(E), on line 3, by retaining the section label "(a)" after the word "subsection";
- in subsection (a)(1)(E)(i), on line 3, by changing the comma to a semi-colon after the word "material";
- in subsection (a)(2), on line 1, by retaining the section label "(a)" after the word "subsection"; on line 4, by deleting the comma after the word "install"; and on line 8, by deleting the comma after the word "demonstrate";
- in subsection (a)(3), on line 1, by deleting the comma after the word "limit";
- in subsection (b)(1)(B), on line 2, by deleting the comma after the word "telegraph"; on line 6, by deleting the comma after the word "telefacsimile"; on lines 10 - 18 by removing the overstrike; on line 14, by inserting the phrase "of activities on that schedule" after the word "notifications"; and on line 15, by changing the phrase "remainder of the calendar year" to the phrase "12-month period";
- in subsection (b)(1)(E), on line 3, by retaining the section label "(b)" after the word "subsection";
- in subsection (b)(1)(E)(i), on line 3, by changing the comma to a semi-colon after the word "material";
- in subsection (b)(2), on line 1, by retaining the section label "(b)" after the word "subsection"; on line 4, by deleting the comma after the word "install"; and on line 7, by deleting the comma after the word "demonstrate";
- in subsection (b)(3), on line 1, by deleting the comma after the word "limit".
- q) In Section 330.APPENDIX A, in the table heading, by changing the phrase "μCi/ml" to microCi/ml"; in footnote (2), by changing the phrase "μCi/g" to microCi/g"; and in Note 2, in the Example, by changing the word "lesser" to the word "less".
- r) In Section 330.APPENDIX B, in the table heading, by changing the phrase "μCi" to microCi".
- s) In Section 330.APPENDIX G:

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in subsection (a)(1), on line 6, by changing the period to a semi-colon after the phrase "July 1, 1987";

in subsection (b)(2), on line 2, by retaining the section label "(a)" after the word "subsection";

in subsection (c)(6), on line 9, by deleting the comma after the word "termination".

t) In Section 330-APPENDIX H:

in subsection (1), the first Whereas paragraph, on line 4, by changing the comma to a semi-colon after the word "above";

in subsection (2)(A), on line 2, by changing the comma to a semi-colon after the phrase "credit No. ____";

in subsection (5), in the sample certificate, on line 7, by changing the word "with-drawal" to "withdrawal".

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? The Joint Committee on Administrative Rules did not issue an agreement letter for this Part.

- 13) Will these amendments replace an emergency amendment currently in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Amendments: This Amendment will: (a) introduce dual metric/English (or special) units of measurement; (b) update citations to rules, standards and guidelines that are incorporated by reference; (c) modify cross references to sections in 32 Ill. Adm. Code 340; (d) make minor style changes throughout the rule; (e) add a new Section 330.15, "Incorporations by Reference" that sets forth general information regarding rules, standards and guidelines that are incorporated into Part 330 by reference; (f) clarify that the exemption from licensing requirements for persons who possess small quantities of radioactive material applies only to products and radioactive material that are distributed pursuant to a specific license; (g) clarify that the Department may, any time before expiration or termination of a license, require licensees to provide additional information in order to enable the Department to determine whether a new license application should be approved or whether an existing license should be modified or revoked; (h) add an Agency Note clarifying that, for purposes of financial surety requirements, "reclaiming" includes, but is not limited

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to, activities necessary to decommission a licensed facility; (i) clarify that financial surety requirements must be satisfied as a condition for renewal, as well as for issuance or amendment, of a radioactive materials license; (j) change references to "radio-active drugs" to the more general term "radiopharmaceuticals"; (k) delete the references to the "New Drug Application" (NDA) and "Investigational New Drug Application" (IND); (l) clarify that water category includes oil and solvents; and (m) clarify the waiver of additional notifications by out-of-state licensees that have submitted a schedule of activities to be conducted within Illinois.

- 16) Information and questions regarding these amendments shall be directed to:

Valerie Puccini
Staff Attorney
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, Illinois 62704
(217) 785-9881 (voice)
(217) 785-9900 (TDD)

The full text of the Adopted Amendments begins on the next page:

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TITLE 35: ENERGY

CHAPTER 11: DEPARTMENT OF NUCLEAR SAFETY
SUBCHAPTER 05: RADIATION PROTECTION

PART 330
LICENSING OF RADIOACTIVE MATERIAL

SUBPART A: GENERAL PROVISIONS

Purpose and Scope
Incorporations by Reference
License Exemption - Source Material
License Exemption - Radioactive Materials other Than Source Material

SUBPART B: TYPES OF LICENSES

Types of Licenses
General Licenses - Source Material
General Licenses - Radioactive Material Other Than Source Material

SUBPART C: SPECIFIC LICENSES

Filing Application for Specific Licenses
General Requirements for the Issuance of Specific Licenses
Special Requirements for Issuance of Certain Specific Licenses for Radioactive Materials

Special Requirements for Specific Licenses of Broad Scope
Special Requirements for a Specific License to Manufacture, Assemble, Repair, or Distribute Commodities, Products, or Devices which Contain Radioactive Material

Issuance of Specific Licenses
Specific Terms and Conditions of License
Expiration and Termination of Licenses
Renewal of Licenses
Amendment of Licenses at Request of Licensee
Department Action on Application to Renew or Amend
Persons Possessing a License for Source, Byproduct, or Special Nuclear Material in Quantities Not Sufficient to Form a Critical Mass on Effective Date of This Part

Persons Possessing Accelerator-Produced or Naturally-Occurring Radioactive Material on Effective Date of This Part (Repealed)
Transfer of Material
Modification and Revocation of Licenses
Reciprocal Recognition of Licenses

SUBPART D: TRANSPORTATION (Repealed)

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Section
330.1000

Transportation of Radioactive Materials (Repealed)

APPENDIX A Exempt Concentrations

APPENDIX B Exempt Quantities

APPENDIX C Groups of Medical Uses of Radioactive Materials (Repealed)

TABLE A Group I (Repealed)

TABLE B Group II (Repealed)

TABLE C Group III (Repealed)

TABLE D Group IV (Repealed)

TABLE E Group V (Repealed)

TABLE F Group VI (Repealed)

APPENDIX D Limits for Broad Licenses (Section 330.270)

APPENDIX E Schedule E (Repealed)

APPENDIX F Schedule F (Repealed)

APPENDIX G Financial Surety Arrangements (Section 330.250(c)(1)(D))

APPENDIX H Wording of Financial Surety Arrangements (Section 330.250(c)(1)(E))

AUTHORITY: Implementing and authorized by the Radiation Protection Act of 1990 (Ill. Rev. Stat. 1991, Ch. 111 1/2, pars. 210-1 et seq.) [420 ILCS 40].

SOURCE: Filed April 20, 1974, by the Department of Public Health; transferred to the Department of Nuclear Safety by P.A. 81-1516, effective December 3, 1980; amended at 5 Ill. Reg. 9586, effective September 10, 1981; codified at 7 Ill. Reg. 1/492; recodified at 10 Ill. Reg. 11268; amended at 10 Ill. Reg. 1/415, effective September 25, 1986; amended at 15 Ill. Reg. 10632, effective July 15, 1991; amended at 18 Ill. Reg. _____, effective _____.

MAR 29 1994

NOTE: In this Part, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets.

SUBPART A: GENERAL PROVISIONS

Section 330.10 Purpose and Scope

a) This Part provides for the licensing of radioactive material. No person shall receive, possess, utilize, manufacture, distribute, transfer, own or acquire radioactive material or devices or equipment utilizing or producing such materials except as authorized in a specific or general license issued pursuant to this Part or as otherwise provided in this Part.

b) In addition to the requirements of subsection (a) above, all licensees are subject to the requirements of this Part and 32 Ill. Adm. Code 310, 320, 331, 340, 341 and 400. Licensees engaged in source material milling or possessing byproduct material as defined in Section 1(a)(2) of the Radiation Protection Act of 1990 (Ill. Rev. Stat. 1991, Ch. 111 1/2, par. 210-1 et seq.) [420 ILCS 40 1(a)(2)], are also subject

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to the requirements of 32 Ill. Adm. Code 332. Licensees engaged in industrial radiographic operations are also subject to the requirements of 32 Ill. Adm. Code 350. Licensees using radioactive material in the healing arts are also subject to the requirements of 32 Ill. Adm. Code 335, and licensees engaged in wireline and subsurface tracer studies are also subject to the requirements of 32 Ill. Adm. Code 351. The requirements of this Part do not apply to carriers. Carriers are subject to the requirements of 32 Ill. Adm. Code 341.

(Source: Added 18 Ill. Reg. _____, effective MAR 29 1994)

Section 330.15 Incorporations by Reference

All rules, standards and guidelines of agencies of the United States or nationally recognized organizations or associations that are incorporated by reference in this Part are incorporated as of the date specified in the reference and do not include any later amendments or editions. Copies of these rules, standards and guidelines that have been incorporated by reference are available for public inspection at the Department of Nuclear Safety, 1035 Outer Park Drive, Springfield, Illinois.

(Source: Added 18 Ill. Reg. _____, effective MAR 29 1994)

Section 330.30 License Exemption - Source Material

- a) Any person is exempt from this Part to the extent that such person receives, possesses, uses, owns or transfers source material in any chemical mixture, compound, solution or alloy in which the source material is by weight less than ~~1/20~~ one-twentieth of one percent (0.05 percent) of the mixture, compound, solution or alloy.
- b) Any person is exempt from this Part to the extent that such person receives, possesses, uses or transfers unrefined and unprocessed ore containing source material; provided that, except as authorized in a specific license, such person shall not refine or process such ore.
- c) Any person is exempt from this Part to the extent that such person receives, possesses, uses or transfers:

1) Any quantities of thorium contained in:

- Incandescent gas mantles;
- Vacuum tubes;
- Welding rods;
- Electric lamps for illuminating purposes provided that each lamp does not contain more than 50 milligrams of thorium;
- Germicidal lamps, sunlamps and lamps for outdoor or industrial lighting provided that each lamp does not contain more than 2 grams of thorium;
- Rare earth metals and compounds, mixtures and products

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containing not more than 0.25 percent by weight thorium, uranium or any combination of these; or

Personnel neutron dosimeters, provided that each dosimeter does not contain more than 50 milligrams of thorium.

2) Source material contained in the following products:

- Glazed ceramic tableware, provided that the glaze contains not more than 20 percent by weight source material;
- Piezoelectric ceramic containing not more than 2 two percent by weight source material;
- Glassware containing not more than 10 ten percent by weight source material, but not including commercially manufactured glass brick, pane glass, ceramic tile or other glass or ceramic used in construction;
- Glass enamel or glass enamel frit containing not more than 10 ten percent by weight source material imported or ordered for importation into the United States, or initially distributed by manufacturers in the United States, before July 25, 1983.

3) Photographic film, negatives and prints containing uranium or thorium.

4) Any finished product or part fabricated of, or containing, tungsten-thorium or magnesium-thorium alloys, provided that the thorium content of the alloy does not exceed 4 four percent by weight and that this exemption shall not be deemed to authorize the chemical, physical, or metallurgical treatment or processing of any such product or part.

5) Uranium contained in counterweights installed in aircraft, rockets, projectiles and missiles, or stored or handled in connection with installation or removal of such counterweights, provided that:

- The counterweights are manufactured in accordance with a specific license issued by the U.S. Nuclear Regulatory Commission or the Atomic Energy Commission authorizing distribution by the licensee pursuant to 10 CFR 40.13(c)(5)(i), as in effect on June 30, 1969, exclusive of subsequent amendments or editions;

B) Each counterweight has been impressed with the following legend clearly legible through any plating or other covering: "DEPLETED URANIUM";

AGENCY NOTE: The requirement specified in subsection (c)(5)(B) above does not need to be met by counterweights manufactured prior to December 31, 1969; provided that such counterweights were manufactured under a specific license issued by the Atomic Energy Commission and were impressed with the legend, "CAUTION - RADIOACTIVE MATERIAL - URANIUM", as previously required by 10 CFR 40.13(c)(5)(ii), as in effect on June 30, 1969, exclusive of subsequent amendments or additions editions. A copy of this rule is available for public inspection at the Department of Nuclear Safety.

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(Department):

(C) Each counterweight is durably and legibly labeled or marked with the identification of the manufacturer and the statement: "UNAUTHORIZED ALTERATIONS PROHIBITED"; and (c)(5)(C) above does not need to be met by counterweights manufactured prior to December 31, 1969; provided that such counterweights were manufactured under a specific license issued by the Atomic Energy Commission and were impressed with the legend, "CAUTION - RADIOACTIVE MATERIAL - URANIUM", as previously required by 10 CFR 40.13(c)(5)(ii), as in effect on June 30, 1969, exclusive of subsequent amendments or additions thereto. A copy of this rule is available for public inspection at the Department.

(D) This exemption shall not be deemed to authorize the chemical, physical or metallurgical treatment or processing of any such counterweights other than repair or restoration of any plating or covering.

(6) Natural or depleted uranium metal used as shielding constituting part of any shipping container, provided that:

A) The shipping container is conspicuously and legibly impressed with the legend, "CAUTION - RADIOACTIVE SHIELDING - URANIUM"; and

B) The uranium metal is encased in mild steel or equally tire resistant metal of minimum wall thickness of one-eighth-inch (3.2mm) 3.2 millimeters (1/8 inch).

(7) Thorium contained in finished optical lenses, provided that each lens does not contain more than 30 percent by weight of thorium and that this exemption shall not be deemed to authorize either:

A) The shaping, grinding or polishing of such lens or manufacturing processes other than the assembly of such lens into optical systems and devices without any alteration of the lens; or

B) The receipt, possession, use or transfer of thorium contained in contact lenses, or in spectacles, or in eyepieces in binoculars or other optical instruments.

(8) Uranium contained in detector heads for use in fire detection units, provided that each detector head contains not more than 4-microcurie 185-Bq (5 mCi) of uranium; or

(9) Thorium contained in any finished aircraft engine part containing nickel-thoria alloy, provided that:

A) The thorium is dispersed in the nickel-thoria alloy in the form of finely divided thorium (thorium dioxide); and

B) The thorium content in the nickel-thoria alloy does not exceed 4 percent by weight.

(The exemptions in subsection (c) above do not authorize the manufacture of any of the products described.

(Any licensee is exempt from the requirements of this Part to the

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extent that its activities are subject to the requirements of 32 Ill. Adm. Code 601, except as specifically provided for in 32 Ill. Adm. Code 601.

(Source: Amended at 18 Ill. Reg. _____, effective MAR 29 1994)

Section 130.40 License Exemption Radioactive Materials Other Than Source Materials Material

a) Exempt Concentrations:

1) Except as provided in Section 330.40(a)(2) and any person is exempt from this part to the extent that such person receives, possesses, uses, transfers, owns or acquires products containing radioactive material introduced in concentrations not in excess of those listed in Section 330.40(a)(2) of this Part provided they have been distributed pursuant to a license as described in subsection (a)(2) below. This Section shall not be deemed to authorize the import of radioactive materials or products containing radioactive materials.

2) No person may introduce radioactive material into a product or material knowing or having reason to believe that it will be transferred to persons exempt under Section 330.40(a) subsection (1) above or equivalent regulations of the U.S. Nuclear Regulatory Commission (10 CFR 30.14) revised as of January 17 1987, exclusive of any subsequent amendments or editions, any an Agreement State or a Licensing State, except in accordance with a specific license issued pursuant to Section 330.280(a) or the general license provided in Section 330.900.

b) Exempt Quantities:

1) Except as provided in Section 330.40(a)(2) and (3), any person is exempt from this part to the extent that such person receives, possesses, uses, transfers, owns or acquires radioactive material in individual quantities each of which does not exceed the applicable quantity set forth in Section 330.40(a)(2) of this Part provided they have been distributed pursuant to a license as described in subsection (3) below.

2) This subsection (b) paragraph (Section 330.40(b)) does not authorize the production, packaging or repackaging of radioactive material for purposes of commercial distribution, or the incorporation of radioactive material into products intended for commercial distribution.

3) No person may, for purposes of commercial distribution, transfer radioactive material in the individual quantities set forth in Section 330.40(a)(2) of this Part, knowing or having reason to believe that such quantities of radioactive material will be transferred to persons exempt under Section 330.40(a)(2) of this Part or equivalent regulations of the United States U.S. Nuclear Regulatory Commission, any an Agreement State or a

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licensing State, except in accordance with a specific license issued by the U.S. Nuclear Regulatory Commission pursuant to Section 32.18 of 10 CFR 32.18 or by the Department pursuant to Section 330.280(b), which license states that the radioactive material may be transferred by the licensee to persons exempt under Section 330.48 subsection (b) or the equivalent regulations of the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State.

AGENCY NOTE: Authority to transfer possession or control by the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing byproduct material whose subsequent possession, use, transfer and disposal by all other persons are exempted from regulatory requirements may be obtained only from the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

c) Exempt items:

- i) Certain Items Containing Radioactive Material. Except for persons who apply radioactive material to, or persons who incorporate radioactive material into the following products or persons who initially transfer for sale or distribution the following products, any person is exempt from this part to the extent that he receives, possesses, uses, transfers, owns, or acquires the following products: *

*AGENCY NOTE: Authority to transfer possession or control by the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing byproduct material whose subsequent possession, use, transfer and disposal by all other persons are exempted from regulatory requirements may be obtained only from the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

- A) Timepieces or hands or dials containing not more than the following specified quantities of radioactive material and not exceeding the following specified radiation dose rate:

- i) 25-microcuries-t 925 MBq (25 mCi) of tritium per timepiece;
- ii) 5-microcuries-t 185 MBq (5 mCi) of tritium per hand;
- iii) 15-microcuries-t 555 MBq (15 mCi) of tritium per dial (bezels when used shall be considered as part of the dial);
- iv) 100-microcuries-t 3.7 MBq (100 microCi) of promethium-147 per watch or 200-microcuries-t 7.4 MBq (200 microCi) of promethium-147 per any other timepiece;
- v) 20-microcuries-t 740 MBq (20 microCi) of promethium-147 per watch hand or 40-microcuries-t 1.48 MBq (40 microCi) of promethium-147 per other timepiece hand;
- vi) 60-microcuries-t 2.22 MBq (60 microCi) of promethium-147 per watch dial or 120-microcuries-t

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4.44 MBq (120 microCi) of promethium-147 per other timepiece dial (bezels when used shall be considered as part of the dial);

- vii) The radiation dose rate from hands and dials containing promethium-147 will not exceed, when measured through 50 milligrams per square centimeter of absorber: for wrist watches, 0.1-microcuries-t 1 uCi (100 microCi) per hour at 10 centimeters from any surface; for pocket watches, 0.1-microcuries-t 1 uCi (100 microCi) per hour at 1 centimeter from any surface; for any other timepiece, 0.2-microcuries-t 2 uCi (200 microCi) per hour at 10 centimeters from any surface; or

viii) one-microcuries-t 37 kBq (1 microCi) of radium-226 per timepiece in timepieces acquired prior to May 1, 1974.

- B) Lock illuminators containing not more than 15-microcuries-t 555 MBq (15 mCi) of tritium or not more than 2-microcuries-t 74 MBq (2 mCi) of promethium-147 installed in automobile locks. The radiation dose rate from each lock illuminator containing promethium-147 will not exceed 1-microcuries-t 10 uCi (1 mrad) per hour at 1 centimeter from any surface when measured through 50 milligrams per square centimeter of absorber.

- C) Precision balances containing not more than 1-microcuries-t 37 MBq (1 mCi) of tritium per balance or not more than 0.5 microcuries-t 18.5 MBq (500 microCi) of tritium per balance part.

- D) Automobile shift quadrants containing not more than 25 microcuries-t 925 MBq (25 mCi) of tritium.

- E) Marine compasses containing not more than 750-microcuries-t 27.8 GBq (750 mCi) of tritium gas and other marine navigational instruments containing not more than 250 microcuries-t 9.25 GBq (250 mCi) of tritium gas.

- F) Thermostat dials and pointers containing not more than 25 microcuries-t 925 MBq (25 mCi) of tritium per thermostat.

- G) Electron tubes; provided that each tube does not contain more than one of the following specified quantities of radioactive material:

- i) 150-microcuries-t 5.55 GBq (150 mCi) of tritium per microwave receiver protector tube or 10-microcuries-t 370 MBq (10 mCi) of tritium per any other electron tube;
- ii) 1-microcuries-t 37 kBq (1 microCi) of cobalt-60;
- iii) 5-microcuries-t 185 kBq (5 microCi) of nickel-63;
- iv) 30-microcuries-t 1.11 MBq (30 microCi) of krypton-85;
- v) 5-microcuries-t 185 kBq (5 microCi) of cesium-137; or

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- the exemption from regulatory requirements. The exemption in Section 336.46(e)(2) of this subsection does not apply to tritium, krypton-85 or promethium-147 used in products for frivolous purposes or in toys or adornments. The U. S. Nuclear Regulatory Commission shall make this determination of exemption.

tritium, krypton-85, or promethium-147 used in products for frivolous purposes or in toys or adornments. The U. S. Nuclear Regulatory Commission shall make this determination of exemption.

to the extent that such person receives, possesses, uses, transfers, or owns articles containing less than 0.1 microcurie (3.7 kBq) of radium-226 which were acquired prior to May 1, 1974.

- detectors containing radioactive material, any person is exempt from 32 Ill. Adm. Code: 3207-3307-331-3407-3507-3517 3207-4000-and-601 Chapter 11, Subchapters b and d to the

- to the extent that such person receives, possesses, uses, transfers, owns or acquires radioactive material in gas and aerosol detectors designed to protect life or property from fires and airborne hazards provided that detectors containing radioactive material shall have been manufactured, imported or initially transferred in accordance with a specific license issued by the U.S. Nuclear Regulatory Commission pursuant to ~~Section~~ 32.26 of 10 CFR 32.26, or a Licensing State pursuant to Section 330.280(c), which authorizes the transfer of the detectors to persons who are exempt from regulatory requirements.

AGENCY NOTE: Authority to transfer possession or control by

- disposal by all other persons are exempted from regulatory requirements may be obtained only from the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

- specific license issued by an Agreement State shall be considered exempt under ~~Section 330.40(c)(1)(A)~~ subsection (c)(3)(A) above, provided that the device is labeled in accordance with the specific license authorizing distribution of the generally licensed device and provided further that they meet the requirements of Section 330.280(c).

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above, provided that the device is labeled in accordance with the specific license authorizing distribution and provided further that they meet the requirements of Section 330.280(c).

- 4) Resins Containing Scandium-46 and Designed for Sand Consolidation in Oil Wells. Any person is exempt from this Part to the extent that such person receives, possesses, uses, transfers, owns or acquires synthetic plastic resins containing scandium-46 which are designed for sand consolidation in oil wells. Such resins shall have been manufactured or imported in accordance with a specific license issued by the U.S. Nuclear Regulatory Commission, or shall have been manufactured in accordance with the specifications contained in a specific license issued by the Department or any Agreement State to the manufacturer of such resins pursuant to licensing requirements equivalent to those in Section 32.17 of 10 CFR 32.17 revised as of January 17, 1985, or the regulations of the U.S. Nuclear Regulatory Commission published January 1, 1993, exclusive of subsequent amendments or editions. This exemption does not authorize the manufacture of any resins containing scandium-46.

AGENCY-NRFB:--becoming--requirements--contained--in--subsequent amendments--or--editions--of--10-CFR-32--are--not--incorporated--into this rule:--A copy--of--10-CFR-32--is--available--for--public inspection--at--the--Department--of--Nuclear--Safety.

(Source: Amended at 18 Ill. Reg. _____, effective MAR 29 1994)

SUBPART B: TYPES OF LICENSES

Section 330.200 Types of Licenses

Licenses for radioactive materials are of two types: general and specific.

- a) "General license" means a license means a license, as set forth in this Part and 32 Ill. Adm. Code 341, which is effective without the filing of an application to transfer, acquire, own, possess, or use quantities of, or devices or equipment utilizing, radioactive material (Ill. Rev. Stat. 1990-Supp. 1991, ch. 111 1/2, par. 210-4(d)) [420 ILCS 40.4(d)], although the filing of a certificate with the Department may be required by the particular general license. The general licensee is subject to all other applicable portions of 32 Ill. Adm. Code Chapter 11 and any limitations of the general license.
- b) "Specific license" means a license as set forth in this Part means a license, issued after application, to use, manufacture, produce, transfer, receive, acquire, own, or possess quantities of, or devices or equipment utilizing radioactive material materials (Ill. Rev. Stat. 1990-Supp. 1991, ch. 111 1/2, par. 210-4(m)) [420 ILCS 40.4(m)]. The licensee is subject to all applicable portions of 32 Ill. Adm. Code Chapter 11 as well as any limitations specified in the licensing

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document.

(Source: Amended at 18 Ill. Reg. _____, effective MAR 29 1994)

Section 330.210 General Licenses - Source Material

- a) A general license is hereby issued authorizing commercial and industrial firms, research, educational, and medical institutions, and State and local government agencies to use and transfer not more than 6.82 kilograms (15 pounds) (6.82-kg) of source material at any one time for research, development, educational, commercial, or operational purposes. A person authorized to use or transfer source material, pursuant to this general license, may not receive more than a total of 68.2 kilograms (150 pounds) (68.2-kg) of source material in any one 1 calendar year.

- b) Persons who receive, possess, use or transfer source material pursuant to the general license issued in Section 330.210 subsection (a) above are exempt from the provisions of 32 Ill. Adm. Code 340 and 400 to the extent that such receipt, possession, use or transfer is within the terms of such general license; provided, however, that this exemption shall not be deemed to apply to any such person who is also in possession of source material under a specific license issued pursuant to this Part.

- c) A general license is hereby issued authorizing the receipt of title to source material without regard to quantity. This general license does not authorize any person to receive, possess, use or transfer source material.

- d) Depleted Uranium in Industrial Products and Devices:

- 1) A general license is hereby issued to receive, acquire, possess, use or transfer, in accordance with the provisions of Section 330.210(d)(2)-(27)-(37)-(47-and-57) subsections (d)(2) through (5) below, depleted uranium contained in industrial products or devices for the purpose of providing a concentrated mass in a small volume of the product or device.
- 2) The general license in Section 330.210(d) subsection (d)(1) above applies only to industrial products or devices which have been manufactured either in accordance with a specific license issued to the manufacturer of the products or devices pursuant to Section 330.280(m) (1) or in accordance with a specific license issued by the manufacturer by the U.S. Nuclear Regulatory Commission or an Agreement State which authorizes manufacture of the products or devices for distribution to persons generally licensed by the U.S. Nuclear Regulatory Commission or an Agreement State.
- 3) Persons who receive, acquire, possess or use depleted uranium pursuant to the general license established by Section 330.210(d) subsection (d)(1) above shall:
- A) file the form, "Registration Certificate - Use of

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Depleted Uranium Under General License," with the Department. The form shall be submitted within 30 days after the first receipt or acquisition of such depleted uranium. The registrant shall furnish on the form "Registration Certificate - Use of Depleted Uranium Under General License," the following information:

- i) name Name and address of the registrant;
- ii) a A statement that the registrant has developed and will maintain procedures designed to establish physical control over the depleted uranium described in Section--330-210(f) subsection (d)(1) above and designed to prevent transfer of such depleted uranium in any form, including metal scrap, to persons not authorized to receive the depleted uranium; and
- iii) name Name and/or title, address and telephone number of the individual duly authorized to act for and on behalf of the registrant in supervising the procedures identified in Section--330-210(f) subsection (d)(1)(A)(i) above.

B) report Report in writing to the Department any changes in information furnished by him in the form, "Registration Certificate - Use of Depleted Uranium Under General License." The report shall be submitted within 30 days after the effective date of such change.

4) A person who receives, acquires, possesses, or uses depleted uranium pursuant to the general license established by Section 330-210(f) subsection (d)(1) above:

A) shall Shall not introduce such depleted uranium, in any form, into a chemical, physical, or metallurgical treatment or process, except a treatment or process for repair or restoration of any plating or other covering of the depleted uranium;

B) shall Shall not abandon such depleted uranium;

C) shall Shall transfer or dispose of such depleted uranium only by transfer in accordance with the provisions of Section 330.400. In the case where the transferee receives the depleted uranium pursuant to the general license established by Section--330-210(f) subsection (d)(1) above, the transferor shall furnish the transferee a copy of this Part and a copy of the form, "Registration Certificate - Use of Depleted Uranium Under General License". In the case where the transferee receives the depleted uranium pursuant to a general license contained in the U.S. Nuclear Regulatory Commission's regulation--10 CFR 40.25(a) revised-as-of-july-17--1985--exclusive--of--any--subsequent amendments--or--editions or Agreement State's regulation equivalent to Section--330-210(f) subsection (d)(1) above, the transferor shall furnish the transferee a copy of this Part and a copy of the form, "Registration Certificate - Use of

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Depleted Uranium Under General License", accompanied by a note explaining that use of the product or device is regulated by the U.S. Nuclear Regulatory Commission or Agreement State under requirements substantially the same as those in this Part;

D) within Within 30 days of any transfer, shall report in writing to the Department the name and address of the person receiving the depleted uranium pursuant to such transfer; and

E) shall Shall not export such depleted uranium except in accordance with a license issued by the U.S. Nuclear Regulatory Commission pursuant to 10 CFR 110.

5) Any person receiving, acquiring, possessing, using or transferring depleted uranium pursuant to the general license established by Section--330-210(f) subsection (d)(1) above is exempt from the requirements of 32 Ill. Adm. Code 340 and 400 with respect to the depleted uranium covered by that general license.

(Source: Amended at 18 Ill. Reg. _____, effective MAR 29 1994.)

Section 330.220 General Licenses - Radioactive Material Other Than Source Material

a) Certain Devices and Equipment. A general license is hereby issued to transfer, receive, acquire, own, possess and use radioactive material incorporated in the following devices or equipment which have been manufactured, tested and labeled by the manufacturer in accordance with a specific license issued to the manufacturer by the U.S. Nuclear Regulatory Commission for use pursuant to Section--31.4-of 10 CFR 31.3. This general license is subject to the provisions of 32 Ill. Adm. Code 310.40 through 310.90, 340, 341, 400, and Sections 330.40(a)(2), 330.310, 330.400, and 330.500 of this Part.

AGENCY NOTE: Attention is directed particularly to the provisions of 32 Ill. Adm. Code 340 which relate to the labeling of containers.

1) Static Elimination Device. Devices designed for use as static eliminators which contain, as a sealed source or sources, radioactive material consisting of a total of not more than 500 microcuries--t 18.5 MBq (500 microCi) of polonium-210 per device or a total of not more than 50-millicuries--t 1.85 GBq (50 mCi) of hydrogen-3 (tritium) per device.

2) Ion Generating Tube. Devices designed for ionization of air which contain, as a sealed source or sources, radioactive material consisting of a total of not more than 500 microcuries--t 18.5 MBq (500 microCi) of polonium-210 per device or a total of not more than 50-millicuries--t 1.85 GBq (50 mCi) of hydrogen-3 (tritium) per device.

b) Certain Measuring, Gauging or Controlling Devices:

- 1) A general license is hereby issued to commercial and industrial

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firms and to research, educational, and medical institutions, individuals in the conduct of their business and State or local government agencies to own, receive, acquire, possess, use, or transfer in accordance with the provisions of ~~subsection (b)(2)-(3) and (4)~~ subsection (b)(2) through (4) below, radioactive material, excluding special nuclear material, contained in devices designed and manufactured for the purpose of detecting, measuring, gauging or controlling thickness, density, level, interface location, radiation, leakage, or qualitative or quantitative chemical composition, or for producing light or an ionized atmosphere.

- 2) The general license in subsection (b)(1) above applies only to radioactive material contained in devices which have been manufactured and labeled in accordance with the specifications contained in a specific license issued by the Department pursuant to Section 330.280(d) or in accordance with the specifications contained in a specific license issued by the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State, which authorizes distribution of devices to persons generally licensed by the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State.

AGENCY NOTE: Regulations under the Federal Food, Drug and Cosmetic Act authorizing the use of radioactive control devices in food production require certain additional labeling thereon which is found in 21 CFR 19.21.

- 3) Any person who owns, receives, acquires, possesses, uses, or transfers radioactive material in a device pursuant to the general license in subsection (b)(1) above:

A) Shall assure that all labels affixed to the device at the time of receipt, and bearing a statement that removal of the label is prohibited, are maintained thereon and shall comply with all instructions and precautions provided by such labels;

B) Shall assure that the device is tested for leakage of, or contamination by, radioactive material and proper operation of the "on-off" mechanism and indicator, if any, at no longer than 6-month intervals or at such other intervals as are specified in the label; however,

- i) Devices containing only krypton need not be tested for leakage of, or contamination by, radioactive material; and
- ii) Devices containing only tritium or not more than ~~100 microcuries~~ 3.7 MBq (100 microCi) of other beta and/or gamma emitting material or ~~10 microcuries~~ 370 kBq (10 microCi) of alpha emitting material and devices held in storage in the original shipping container prior to initial installation need not be tested for any purpose;

C) Shall assure that (including testing required by subsection

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(b)(3)(B) above), installation, servicing and removal from installation involving the radioactive material, its shielding or containment, are performed:

- i) In accordance with the instructions provided by the label; or
 - ii) By a person holding an applicable specific license from the Department, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State to perform such activities;
- D) Shall maintain records showing compliance with the requirements of subsections (b)(3)(B) and ~~(3)(C)~~ above. The records shall show the results of tests concerning the installation, ~~leakage~~ testing for leakage of contamination, servicing and removal of radioactive material, its shielding or containment. The records also shall show the dates of performance of, and the names of persons performing these tests. Records of tests for leakage of, or contamination by, radioactive material required by subsection (b)(3)(B) above shall be maintained for 1 year after the next required test for leakage or contamination is performed or until the sealed source is transferred or disposed of. Records of tests of the "on-off" mechanism and indicator required by subsection (b)(3)(B) above shall be maintained for 1 year after the next required test of the "on-off" mechanism and indicator is performed or until the sealed source is transferred or disposed of. Records which are required by subsection (b)(3)(C) above, other than records of tests for leakage of, or contamination by, radioactive material, shall be maintained for a period of 2 years from the date of the recorded event or until the device is transferred or disposed of;
- E) Upon the occurrence of a failure of or damage to, or any indication of a possible failure of or damage to, the shielding of the radioactive material or the "on-off" mechanism or indicator, or upon the detection of ~~more than 185 Bq (5 nCi)~~ microcuries or more removable radioactive material, shall immediately suspend operation of the device until it has been repaired by the manufacturer or other person holding an applicable specific license from the Department, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State to repair such devices, or disposed of by transfer to a person authorized by an applicable specific license to receive the radioactive material contained in the device and, within 30 days, furnish to the Department a report containing a brief description of the event and the remedial action taken;
- F) Shall not abandon the device containing radioactive material;
- G) Except as provided in subsection (b)(3)(H) below, shall

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transfer or dispose of the device containing radioactive material only by transfer to a specific licensee of the Department, the U.S. Nuclear Regulatory Commission, an Agreement State or a licensing State whose specific license authorizes him to receive the device and within 30 days after transfer of a device to a specific licensee shall furnish to the Department a report containing identification of the device by manufacturer's name and model number and the name and address of the person receiving the device. No report is required if the device is transferred to the specific licensee in order to obtain a replacement device;

H) Shall transfer the device to another general licensee only:

- i) Where the device remains in use at a particular location. In such case the transferor shall give the transferee a copy of subsection (b) and any safety documents identified in the label on the device and within 30 days of the transfer, report to the Department the manufacturer's name and model number of the device transferred, the name and address of the transferee and the name and/or position of an individual who may constitute a point of contact between the Department and the transferee; or
 - ii) Where the device is held in storage in the original shipping container at its intended location of use prior to initial use by a general licensee;
- 1) Shall comply with the provisions of 32 Ill. Adm. Code ~~340-4020~~ ~~and~~ ~~340-4030~~ 340.1210, 340.1220 and 340.1260 for reporting radiation incidents, theft, or loss, leakage of, or contamination by, licensed material, but shall be exempt from the other requirements of 32 Ill. Adm. Code 340 and 400.

4) The general license in subsection (b)(1) above does not authorize the manufacture of devices containing radioactive material.

5) The general license provided in subsection (b)(1) above is subject to the provisions of 32 Ill. Adm. Code 310.40 through 310.90, 341 and Sections 330.310, 330.400 and 330.500 of this Part.

c) Luminous Safety Devices for Aircraft:

1) A general license is hereby issued to own, receive, acquire, possess and use tritium or promethium-147 contained in luminous safety devices for use in aircraft, provided:

A) Each device contains not more than ~~10-curies~~ ~~t~~ 370 GBq (10 Ci) of tritium or ~~300-millicuries~~ ~~t~~ 11.1 GBq (300 mCi) of promethium-147; and

B) Each device has been manufactured, assembled or imported in accordance with a specific license issued by the U.S. Nuclear Regulatory Commission, or each device has been manufactured or assembled in accordance with the

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specifications contained in a specific license issued by the Department or any Agreement State to the manufacturer or assembler of such device pursuant to licensing requirements equivalent to those in Section ~~42-53~~ ~~of~~ 10 CFR 32.537 revised as of January 17, 1998, exclusive of any subsequent amendments or editions; ~~A copy of 10 CFR 32-53 available for public inspection at the Department of Nuclear Safety Published January 1, 1993, exclusive of subsequent amendments or editions.~~

2) Persons who own, receive, acquire, possess, or use luminous safety devices pursuant to the general license in subsection (c)(1) above are exempt from the requirements of 32 Ill. Adm. Code 340 and 400, except that they shall comply with the provisions of 32 Ill. Adm. Code ~~340-4020~~ ~~and~~ ~~340-4030~~ 340.1210 and 340.1220.

3) This general license does not authorize the manufacture, assembly, or repair of luminous safety devices containing tritium or promethium-147.

4) This general license does not authorize the ownership, receipt, acquisition, possession or use of promethium-147 contained in instrument dials.

5) This general license is subject to the provisions of 32 Ill. Adm. Code 310.40 through 310.90, 341 and Sections 330.310, 330.400 and 330.500 of this Part.

d) Ownership of Radioactive Material. A general license is hereby issued to own radioactive material without regard to quantity. Notwithstanding any other provisions of this Part, this general license does not authorize the manufacture, production, transfer, receipt, possession or use of radioactive material.

e) Calibration and References Sources:

1) A general license is hereby issued to those persons listed below to own, receive, acquire, possess, use and transfer, in accordance with the provisions of subsections (e)(4) and (5) below, americium-241 in the form of calibration or reference sources:

A) Any person who holds a specific license issued by the Department which authorizes him to receive, possess, use and transfer radioactive material; and

B) Any person who holds a specific license issued by the U.S. Nuclear Regulatory Commission which authorizes him to receive, possess, use and transfer special nuclear material.

2) A general license is hereby issued to own, receive, possess, use and transfer plutonium in the form of calibration or reference sources in accordance with the provisions of subsections (e)(4) and (5) below to any person who holds a specific license issued by the Department which authorizes him to receive, possess, use and transfer radioactive material.

3) A general license is hereby issued to own, receive, possess, use and transfer radium-226 in the form of calibration or reference

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sources in accordance with the provisions of subsections (e)(4) and (5) below to any person who holds a specific license issued by the Department which authorizes him to receive, possess, use and transfer radioactive material.

- 4) The general licenses in subsections (f)(1)-(2) and (3) (e)(1) through (3) above apply only to calibration or reference sources which have been manufactured in accordance with the specifications contained in a specific license issued to the manufacturer or importer of the sources by the U.S. Nuclear Regulatory Commission pursuant to Section 32.57 of 10 CFR 32.57 or Section 70.39 of 10 CFR 70.39, revised as of January 17, 1998, or which have been manufactured in accordance with the specifications contained in a specific license issued by the Department, any Agreement State or a Licensing State pursuant to licensing requirements equivalent to those contained in Section 32.57 of 10 CFR 32.57 or Section 70.39 of 10 CFR 70.39, revised as of January 17, 1998, exclusive of subsequent amendments or additions--licensing requirements contained in amendments or editions of 10 CFR 32.57 or 10 CFR 70.39 are not incorporated into this Part--Copies of 10 CFR 32.57 and 10 CFR 70.39 are available for public inspection at the Department of Nuclear Safety Published January 17, 1998, exclusive of subsequent amendments or editions.

- 5) The general licenses provided in subsections (e)(1)-(2) and (3) through (3) above are subject to the provisions of 32 Ill. Adm. Code 310.40 through 310.90, 340, 341, 400 and Sections 330.310, 330.400 and 330.500 of this Part. In addition, persons who own, receive, acquire, possess, use or transfer one or more calibration or reference sources pursuant to these general licenses:

- A) Shall not possess at any one time, at any one location of storage or use, more than 5--microcuries--t 185 kBq (5 microCi) of americium-241, 5--microcuries--t 185 kBq (5 microCi) of plutonium or 5--microcuries--t 185 kBq (5 microCi) of radium-226 in such sources;
- B) Shall not receive, possess, use or transfer such source unless the source, or the storage container, bears a label which includes one of the following statements, as appropriate, or a statement which contains the information called for in one of the following statements, as appropriate:

- i) The receipt, possession, use and transfer of this source, Model _____, Serial No. _____, are subject to a general license and the regulations of the U.S. Nuclear Regulatory Commission or of a State _____ which the Commission has entered into an agreement for the exercise of regulatory authority. Do not remove this label.
- CAUTION - RADIOACTIVE MATERIAL - THIS SOURCE CONTAINS (AMERICIUM-241) (PLUTONIUM). DO NOT TOUCH RADIOACTIVE

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PORTION OF THIS SOURCE.

Name of Manufacturer or Importer

AGENCY NOTE: Showing only the name of the appropriate material.

- 1) The receipt, possession, use and transfer of this source, Model _____, Serial No. _____, are subject to a general license and the regulations of a Licensing State. Do not remove this label.
- CAUTION - RADIOACTIVE MATERIAL - THIS SOURCE CONTAINS RADIUM-226. DO NOT TOUCH RADIOACTIVE PORTION OF THIS SOURCE.

Name of Manufacturer or Importer

- C) Shall not transfer, abandon or dispose of such source except by transfer to a person authorized by a license from the Department, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State to receive the source;
- D) Shall store such source, except when the source is being used, in a closed container adequately designed and constructed to contain americium-241, plutonium, or radium-226 which might otherwise escape during storage; and
- E) Shall not use such source for any purpose other than the calibration of radiation detectors or the standardization of other sources.

- 6) These general licenses do not authorize the manufacture of calibration or reference sources containing americium-241, plutonium or radium-226.

- f) General License for Use of Radioactive Material for Certain In Vitro Clinical or Laboratory Testing:

AGENCY NOTE: The New Drug Provisions of the Federal Food, Drug and Cosmetic Act also govern the availability and use of any specific diagnostic drugs in interstate commerce.

- 1) A general license is hereby issued to any physician, veterinarian, clinical laboratory or hospital to receive, acquire, possess, transfer or use, for any of the following stated tests, in accordance with the provisions of subsections (f)(1)-(3) and (4) (f)(2) through (6) below, the following radioactive materials in prepackaged units for use in vitro clinical or laboratory tests not involving internal or external administration of radioactive material, or the radiation thereof, to human beings or animals:

- A) Carbon-14, in units not exceeding 10-microcuries--t 370 kBq (10 microCi) each.
- B) Cobalt-57, in units not exceeding 10-microcuries--t 370 kBq (10 microCi) each.
- C) Hydrogen-3 (tritium), in units not exceeding 50-microcuries--t 1.85 MBq (50 microCi) each.
- D) Iodine-125, in units not exceeding 10-microcuries--t 370 kBq

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- (10 microCi) each.
- E) Mock Iodine Iodine-125 reference or calibration sources, in units not exceeding 0-05-microcuries-t 1.85 kBq (20 microCi) of iodine-125 and 0-005-microcuries-t 185 Bq (5 microCi) of americium-241 each.
- F) Iodine-131, in units not exceeding 10-microcuries-t 370 kBq (10 microCi) each.
- G) Iron-59, in units not exceeding 20-microcuries-t 740 kBq (20 microCi) each.
- H) Selenium-75, in units not exceeding 10-microcuries-t 370 kBq (10 microCi) each.
- 2) No person shall receive, acquire, possess, use or transfer radioactive material pursuant to the general license established by subsection (f)(1) above until he has filed the Department form entitled "Certificate - In Vitro Testing with Radioactive Material Under General License," with the Department and received from the Department a validated copy of the form with certification number assigned. The following information shall be furnished to the Department on the form entitled "Certificate - In Vitro Testing with Radioactive Material Under General License":
- A) Filled-Department--Form--KB-006;--"Certificate-- In-Vitro Testing-with-Radioactive-Material--Under-General-License"; with--the-Department--and--received--from--the-Department--a validated-copy-of-Department-Form--KB-006-with-certification number-assigned;
- B) The-physician--veterinarian--clinical--laboratory, or hospital-requesting-general-license-pursuant-to-subsection (f)(2)(A)--shall--furnish--on-Department--Form--KB-006--the following-information-and-such-other-information-as--may--be required-by-that-term;
- A) Name and address of the physician, veterinarian, clinical laboratory or hospital;
- B) The location of use; and
- C) A statement that the physician, veterinarian, clinical laboratory or hospital has appropriate radiation measuring instruments to carry out in vitro clinical or laboratory tests with radioactive material as authorized under the general license in subsection (f)(1) above and that such tests will be performed only by personnel competent in the use of such instruments and in the handling of the radioactive material.
- 3) A person who receives, acquires, possesses or uses radioactive material pursuant to the general license established by subsection (f)(1) above shall comply with the following:
- A) The general licensee shall not possess at any one time, pursuant to the general license in subsection (f)(1) above, at any one location of storage, or use a total amount of iodine-125, iodine-131, selenium-75, iron-59 and/or

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- Cobalt-57 in excess of 200-microcuries-t 7.4 MBq (200 microCi).
- B) The general licensee shall store the radioactive material, until used, in the original shipping container or in a container providing equivalent radiation protection.
- C) The general licensee shall use the radioactive material only for the uses authorized by subsection (f)(1) above.
- D) The general licensee shall not transfer the radioactive material to a person who is not authorized to receive it pursuant to a license issued by the Department, the U.S. Nuclear Regulatory Commission, any an Agreement State or a Licensing State, nor transfer the radioactive material in any manner other than in the unopened, labeled shipping container as received from the supplier.
- E) The general licensee shall dispose of the mock Iodine-125 reference or calibration sources described in subsection (f)(1)(E) above as required by 32 Ill. Adm. Code 340.1010(a).
- 4) The general licensee shall not receive, acquire, possess or use radioactive material pursuant to subsection (f)(1) above:
- A) Except as prepackaged units which are labeled in accordance with the provisions of an applicable specific license issued pursuant to Section 330.280(g) or in accordance with the provisions of a specific license issued by the U.S. Nuclear Regulatory Commission, any an Agreement State or a Licensing State which authorizes the manufacture and distribution of iodine-125, iodine-131, carbon-14, hydrogen-3 (tritium), iron-59, selenium-75, cobalt-57, or mock iodine-125 to persons generally licensed under subsection (f) or its equivalent; and
- B) Unless one of the following statements, as appropriate, or a statement which contains the information called for in one of the following statements, appears on a label affixed to each prepackaged unit or appears in a leaflet or brochure which accompanies the package:
- 1) This radioactive material shall be received, acquired, possessed and used only by physicians, veterinarians, clinical laboratories or hospitals and only for in vitro clinical or laboratory tests not involving internal or external administration of the material, or the radiation therefrom, to human beings or animals. Its receipt, acquisition, possession, use and transfer are subject to the regulations and a general license of the U.S. Nuclear Regulatory Commission or of a State state with which the Commission has entered into an agreement for the exercise of regulatory authority.

Name of Manufacturer

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- 11) This radioactive material shall be received, acquired, possessed and used only by physicians, veterinarians, clinical laboratories or hospitals and only for in vitro clinical or laboratory tests not involving internal or external administration of the material, or the radiation therefrom, to human beings or animals. Its receipt, acquisition, possession, use and transfer are subject to the regulations and a general license of a Licensing State.

Name of Manufacturer

- 5) The physician, veterinarian, clinical laboratory or hospital possessing or using radioactive material under the general license of subsection (f)(1) above shall report in writing to the Department, any changes in the information furnished by him in the "Certificate - In Vitro Testing with Radioactive Material Under General License", Department Form KLM.006. The report shall be furnished within 30 days after the effective date of such change.

- 6) Any person using radioactive material pursuant to the general license of subsection (f)(1) above is exempt from the requirements of 32 Ill. Adm. Code 340 and 400 with respect to radioactive material covered by that general license, except that such persons using the mock iodine-125 described in subsection (f)(1)(E) above shall comply with the provisions of 32 Ill. Adm. Code 340-9010(a), 340-1210 and 340-1220. ~~In addition, persons using mock iodine-125 described in subsection (f)(1)(F) shall also comply with the provisions of 32 Ill. Adm. Code 340-4020 and 340-4030.~~

g) Ice Detection Devices:

- 1) A general license is hereby issued to own, receive, acquire, possess, use and transfer strontium-90 contained in ice detection devices, provided each device contains not more than 50 microcuries of 1.85 MBq (50 microCi) of strontium-90 and each device has been manufactured or initially transferred in accordance with a specific license issued by the U.S. Nuclear Regulatory Commission or each device has been manufactured or initially transferred in accordance with the specifications contained in a specific license issued by the Department or an Agreement State to the manufacturer of such device pursuant to licensing requirements equivalent to those in Section 32.61 of 10 CFR 32.61.

- 2) Persons who own, receive, acquire, possess, use or transfer strontium-90 contained in ice detection devices pursuant to the general license in subsection (g)(1) above:

- A) Shall, upon occurrence of visually observable damage, such as a bend or crack or discoloration from overheating to the device, discontinue use of the device until it has been inspected, tested for leakage or contamination and repaired

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by a person holding a specific license from the U.S. Nuclear Regulatory Commission or an Agreement State to manufacture or service such devices; or shall dispose of the device pursuant to the provisions of 32 Ill. Adm. Code 340-9010 and 340-1010(a);

- B) Shall assure that all labels affixed to the device at the time of receipt, and which bear a statement which prohibits removal of the labels, are maintained thereon; and
- C) Are exempt from the requirements of 32 Ill. Adm. Code 340 and 400 except that such persons shall comply with the provisions of 32 Ill. Adm. Code 340-9010(a), 340-1210, 340-1220 and 340-1260. ~~340-4020 340-1010(a), 340-1210, 340-1220 and 340-1260.~~
- 3) This general license does not authorize the manufacture, assembly, disassembly or repair of strontium-90 in ice detection devices.
- 4) This general license is subject to the provisions of 32 Ill. Adm. Code 310.40 through 310.90, 341 and Sections 330.310, 330.400 and 330.500 of this Part.

(Source: Amended at 18 Ill. Reg. _____, effective WAR 29 1994)

SUBPART C: SPECIFIC LICENSES

Section 330.240 Filing Application for Specific Licenses

- a) Applications for specific licenses shall be filed in duplicate on forms prescribed by the Department.
- b) The Department may at any time after the filing of the original application, and before the expiration or termination of the license, require further statements in order to enable the Department to determine whether the application should be granted or denied or whether an existing license should be modified or revoked.
- c) Each application shall be signed by the applicant or licensee or a person duly authorized to act for and on his behalf.
- d) An application may include a request for a license authorizing one or more activities. The Department will not grant the request if the proposed activities are not under the control of the same facility, administrator and radiation safety officer. In addition, when evaluating the request, the Department will consider complexity, similarity and proximity of the proposed activities.
- e) In the application, the applicant may incorporate by reference information contained in previous applications, statements or reports filed with the Department provided such references are clear and specific.
- f) Public inspection of applications and other documents submitted to the Department pursuant to this Section shall be in accordance with 2 Ill. Adm. Code 1076 and the requirements of the Freedom of Information Act (Ill. Rev. Stat. 1989 1991, ch. 116, par. 201 et seq.) [5 ILCS 140].

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- 9) An application for a specific license to authorize receipt, possession or use of radioactive material in the form of a sealed source or in a device that contains a sealed source ~~must~~ shall either:
- 1) Identify the sealed source or device that contains a sealed source by manufacturer and model number as filed in an evaluation sheet in the U.S. Department of Health and Human Services "Radioactive Material Reference Manual" or in the U.S. Nuclear Regulatory Commission "Registry of Radioactive Sealed Sources and Devices"; or
 - 2) Contain the information identified in Section 330.280(m).

(Source: Amended 18 Ill. Reg. _____, effective
MAR 29 1994)

Section 330.250 General Requirements for the Issuance of Specific Licenses

- a) A license application will be approved only if the Department determines that:
- 1) The applicant is qualified by reason of training and experience to use the material in question for the purpose requested in accordance with this Part in such a manner as to minimize danger to public health and safety or property;
 - 2) The applicant's proposed equipment, facilities and procedures are adequate to minimize danger to public health and safety or property;
 - 3) The issuance of the license will not be inimical to the health and safety of the public; and
 - 4) The applicant satisfies any applicable special requirements in Sections 330.260, 330.270 or 330.280 32 Ill. Adm. Code: Chapter II, Subchapters b and d.
- b) Environmental Report, Commencement of Construction:
- 1) In the case of an application for a license to receive and possess radioactive material for commercial waste disposal by land burial, or for the conduct of any other activity which the Department determines will significantly affect the quality of the environment, a license application ~~must~~ shall be reviewed and approved by the Department before commencement of construction of the plant or facility in which the activity will be conducted. Issuance of the license shall be based upon a consideration by the Department of the environmental, economic, technical and other benefits in comparison with the environmental costs and available alternatives, and a determination that the action called for is the issuance of the proposed license, with any appropriate conditions to protect environmental values;
 - 2) Commencement of construction prior to such conclusion shall be grounds for denial of a license to receive and possess radioactive material in such plant or facility. As used in this paragraph subsection the term "commencement of construction" means any clearing of land, excavation or other substantial

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action, that would adversely affect the attainment of a goal. The term does not mean site exploration, necessary borings to determine foundation conditions, or other preconstruction monitoring or testing to establish design and information needed to the suitability of the site or the protection of environmental values.

Financial Surety Arrangements for Reclaiming Sites. For purposes of this subsection, "reclaiming" shall mean returning property to a condition or state such that the property no longer presents a public health or safety hazard or threat to the environment.

AGENCY NOTE: For purposes of subsection (c) above, the term "reclaiming" includes but is not limited to those activities necessary to decommission the licensed facility (i.e., to remove (as a facility) safely from service and reduce residual radioactivity to a level that permits release of the property for unrestricted use and termination of license).

- 1) Unless exempted by subsection subsections (c)(4) or (e) (5) below, issuance, renewal or amendment of a license shall be dependent upon satisfactory financial surety arrangements to ensure the protection of the public health and safety in the event of abandonment, default or other inability of the licensee to meet the requirements of the Act, this Part of 32 Ill. Adm. Code: Chapter II, Subparts Subchapters (b) and (d). Self insurance, or any arrangement which essentially constitutes self insurance, will not satisfy the surety requirements since such arrangement provides no further assurance than being without insurance. Determination of satisfactory surety arrangements shall be subject to the following conditions:

A) Financial surety arrangements for site reclamation may consist of surety bonds, certificates of deposit, deposits of government securities, letters of credit, insurance policies or any combination of the above for the categories of licenses listed in subsection (c)(3) below. The amount of funds to be ensured by such surety arrangements shall be based on Department-approved reclaiming cost estimates for disposal of all radioactive material authorized under the license, including removal of all radioactive contamination caused by authorized material to a level in conformance with 32 Ill. Adm. Code 340. Appendix E A. The Department shall consider the following in approving the cost estimate of the financial surety requirements for each individual applicant or licensee:

- i) The probable extent of contamination through the use or possession of radioactive material at the facility or site and the probable cost of removal of such contamination to a level in conformance with 32 Ill. Adm. Code 340. Appendix E A. This consideration shall encompass probable contamination events associated with the licensee's methods or modes of operation and

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shall be based on factors such as quantities, half-lives, radiation hazards and toxicities, and chemical and physical forms;

- ii) The extent of possible off-site property damage caused by operation of the facility or site;
- iii) The cost of removal and disposal of sources of radiation, which are or would be generated, stored, processed, or otherwise present at the licensed facility or site; and
- iv) The costs involved in reclaiming the property on which the facility or site is located, and all other properties contaminated by radioactive material authorized under the license.

B) The financial surety arrangements shall be filed with and maintained by the Chief, Division of Radioactive Materials of the Department (hereafter referred to as the Division Chief) in a dollar amount greater than or equal to the amount approved by the Department and determined necessary to provide for the protection of public health and safety in accordance with subsection (c)(1)(A) above.

- i) A licensee or applicant shall submit a cost estimate for approval by the Department in accordance with subsection (c)(1)(A) above.
- ii) The licensee's surety arrangements may be reviewed annually by the Department and be adjusted to recognize any increases or decreases resulting from inflation or deflation, changes in engineering plans, activities performed and any other condition affecting costs for reclaiming to ensure that sufficient surety is retained to cover liability which remains until license termination.
- iii) When a change in activities not requiring a license amendment would raise the cost estimate for reclaiming to an amount greater than the amount of financial surety currently filed with the Division Chief, the licensee shall, within ~~sixty~~ 60 days after the increase, file additional financial surety at least equal to this increase.
- iv) When a license amendment would raise the cost estimate for reclaiming to an amount greater than the amount of financial surety currently filed with the Division Chief, the amendment shall not be issued until the required surety arrangements are established.
- v) When the current reclaiming cost estimate decreases, upon the written request of the licensee, and provided that the decrease is verified by the Division Chief, the Division Chief shall reduce the amount of financial surety required for the facility to the amount of the current reclaiming costs estimate. Upon

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such occurrence, the Division Chief shall, considering the financial surety arrangements on file, either cause to be released to the licensee collateral which has been deposited equal to this reduction or allow the licensee to substitute for the arrangements on file new arrangements in the reduced amount.

- vi) The term of the surety arrangements shall be for the period from issuance of the license until termination of the license by the Department in accordance with Section 330.320.

vii) Upon termination of the license, the Division Chief will release all surety amounts not previously forfeited by the licensee.

C) The Director:

- i) May order that any financial surety filed by a licensee pursuant to subsection (c) be forfeited to the State if the Director determines that the licensee has failed to perform reclaiming to assure health and safety from radiation hazards and comply with other license requirements or orders pertaining to reclaiming. Such forfeiture action shall follow the procedures provided in 32 Ill. Adm. Code 200.

ii) Shall, upon the date of issuance of the final order described in subsection (c)(1)(C)(i) above, notify the Attorney General who shall collect the forfeiture if voluntary payment is not made within ~~thirty~~ 30 days of the date of issuance of the final order.

iii) Shall deposit all funds from forfeited financial sureties in a temporary, locally-held trust fund to be administered by the Department for site reclaiming.

D) The licensee or applicant ~~shall~~ must choose from the financial sureties arrangements specified in Section 330. Appendix G ~~of this Part~~.

E) The wording of the financial surety may be identical to the wording of the corresponding arrangement in Section 330. Appendix H ~~of this Part~~ and ~~must~~ shall contain provisions described in Section 330. Appendix G ~~of this Part~~.

F) Use of Multiple Financial Surety Arrangements. The licensee or applicant may utilize more than one financial surety arrangement per facility to satisfy the requirement specified in subsection (c)(1) above. These arrangements are limited to bonds supported by letters of credit, insurance and securities. The arrangement ~~must~~ shall be as specified in Section 330. Appendix G ~~of this Part~~, except that it is the combination of arrangements, rather than the single arrangement, which ~~must~~ shall provide financial surety for the necessary amount.

G) Use of Financial Surety Arrangement for Multiple Facilities and/or Multiple Licensees at a Facility. The licensee or

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applicant may use a financial surety arrangement specified in Section 330. Appendix G ~~of this Part~~ to meet the requirements of subsection (c)(1) ~~above~~ for more than one license he holds, or more than one facility he owns or operates in Illinois. The arrangement submitted to the Division Chief shall include a list indicating, for each facility, the license number(s), name(s), address(es) and amount(s) of funds for reclaiming assured by the arrangement. The amount of funds available through the arrangement shall not be less than the sum of the sureties that would be available if a separate arrangement had been filed and maintained for each license or facility. If more than one license exists for a facility, the amount of funds for each license shall be specified.

H) Substitution of Alternate Financial Surety Arrangements. The licensee may substitute alternate financial surety arrangements specified in Section 330. Appendix G ~~of this Part~~ meeting the requirements of subsection (c)(1) ~~above~~ for the financial surety already filed with the Department for the facility. However, the existing arrangements shall not be released by the Division Chief until the substitute financial surety arrangements have been received and approved.

I) Any applicant or licensee who fulfills the requirements of subsection (c)(1) ~~above~~ by obtaining a surety bond, letter of credit or insurance policy, will be deemed to be without the required financial surety in the event of bankruptcy of the issuing institution, or a suspension, or revocation of the authority of the institution issuing the surety bond, letter of credit or insurance policy to issue such instruments. The applicant or licensee ~~must~~ shall establish other Department-approved financial surety within ~~thirty~~ 30 days after such an event.

2) The arrangements required in subsection (c)(1) ~~above~~ shall be established prior to issuance or amendment of the license to assure that sufficient funds will be available for reclaiming.

3) The following specific licensees are required to make financial surety arrangements:

- A) Major processors as defined in 32 Ill. Adm. Code 310.20;
- B) Waste handling licensees as defined in 32 Ill. Adm. Code 310.20;
- C) Wet source storage irradiators;
- D) Ore processors which produce source material tailings or sludge;
- E) Possessors of source material tailings or sludge;
- F) Persons who use particle accelerators to manufacture radionuclides for distribution to other licensees or customers;
- G) Former U.S. Atomic Energy Commission or U.S. Nuclear

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Regulatory Commission licensed facilities that were licensed pursuant to 10 CFR 50, exclusive of subsequent amendments or additions, unless exempt by subsection (c)(4) below.

4) The following persons are exempt from the requirements of subsection (c)(1) ~~above~~:

A) All State, local or other government agencies, unless they are subject to subsection (c)(3)(A) or (c)(3)(B) ~~above~~; Agency Note: For purposes of subsection (c), "government agencies" shall not include federal or state contractors, non-governmental recipients of government grants, or non-governmental medical institutions.

B) All educational institutions; and Agency Note: An educational institution is a non-profit organization which has as its primary purpose the advancement of knowledge in one or more specific fields and which is accredited by the North Central Association of Colleges and Schools.

C) Persons authorized to possess only those radioactive materials with half-lives of ~~sixty-five~~ 65 days or less.

5) Unless also described in subsection (c)(3) ~~above~~, the following persons are exempt from the requirements of subsection (c)(1) ~~above~~:

A) Persons licensed to manufacture or possess, but not distribute, radioactive material for medical purposes, including veterinary medicine;

B) Persons licensed to perform industrial radiography;

C) Persons licensed to perform wireline service operations and subsurface tracer studies;

D) Persons licensed to distribute radiopharmaceuticals, generators or reagent kits as a nuclear pharmacy;

E) Persons licensed to distribute, without processing, radioactive material or products containing radioactive material;

F) Persons licensed to possess irradiators, other than wet source storage irradiators;

G) Persons licensed to possess source material (depleted uranium) for shielding purposes;

H) Persons licensed to possess radioactive material for use in analytical instruments; and

I) Persons licensed to possess radioactive material in gauges or other measuring systems.

d) Long-Term Care Requirements:

1) A license application will be approved only if the Department determines that a long-term care fund for monitoring and maintenance has been established by the waste handling licensee prior to the issuance of the license; or

2) The waste handling applicants may choose, at the time of the licensure, to provide a financial surety arrangement in lieu of a long-term care fund.

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AGENCY NOTE: Long-term care funding may also be required for former U.S. Atomic Energy Commission or U.S. Nuclear Regulatory Commission licensed facilities, or persons whose activities cause situations that significantly affect the public health and safety, or the environment by reason of exposure to radiation or radioactive materials.

(Source: Amended at 18 Ill. Reg. _____, effective
MAR 29 1994)

Section 330.260 Special Requirements for Issuance of Certain Specific Licenses for Radioactive Materials

a) Specific Licenses to Institutions for Human Use of Radioactive Material. A specific license for human use of radioactive material in institutions shall be issued only if the applicant has met the requirements of 32 Ill. Adm. Code 335 and the requirements set forth in Section 330.250.

b) Specific Licenses to Individual Physicians for Human Use of Radioactive Material. An application by an individual physician or group of physicians for a specific license for human use of radioactive material shall be approved only if:

1) The applicant satisfies the general requirements specified in Section 330.250;

2) The application is for use in the applicant's practice in an office outside a medical institution; and

3) The applicant has met the requirements of 32 Ill. Adm. Code 335.

c) Specific Licenses for Pharmacies Using Radioactive Material. In addition to the requirements set forth in Section 330.250, a specific license for a pharmacy shall meet the following additional requirements:

1) Radiopharmaceuticals dispensed and/or distributed for human use shall be either:

A) Repackaged from prepared radiopharmaceuticals that have been approved by the U.S. Food and Drug Administration (FDA) for medical use as defined in 32 Ill. Adm. Code 335.20; or

ii) that are the subject of a U.S. Food and Drug Administration (FDA) approved New Drug Application (NDA) for which the FDA has accepted an "Investigational New Drug Application" (IND).

B) Prepared from generators and reagent kits that are the subject of an FDA-approved "New Drug Application" (NDA) or for which the FDA has accepted an "Investigational New Drug Application" (IND).

2) Prepared radiopharmaceuticals for which FDA has accepted an IND and radiopharmaceuticals prepared from generators or reagent kits for which the FDA has accepted an IND shall be dispensed and/or distributed:

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A) In accordance with the directions provided by the sponsor of the IND; and

B) Only to physicians who have been accepted by the sponsor of the IND to participate in clinical evaluation of the drug.

3) The licensee shall inform in writing each physician who participates in an IND evaluation that the physician is responsible to the sponsor of the IND for use of the drug in accordance with protocols established by the sponsor and for reporting to the sponsor the clinical information obtained through use of the drug.

4) The licensee shall procure biological products labeled with radionuclides or kits used to prepare such products from a supplier who holds an unsuspended or unrevoked license issued by either the U.S. Department of Health, Education and Welfare or the U.S. Department of Health and Human Services to propagate, manufacture, prepare, label or distribute the products.

5) The licensee shall perform radiometric tests for molybdenum breakthrough upon each elution of a molybdenum-99/technetium-99m generator in accordance with the requirements of 32 Ill. Adm. Code 335.4020.

6) The licensee shall procure all radioactive drugs radiopharmaceuticals from a supplier who manufactures or repackages the product under appropriate pharmaceutical controls related to assay, identity, quality, purity, sterility and non-pyrogenicity.

7) The licensee shall dispense radioactive drugs radiopharmaceuticals only under the prescription of a specifically licensed physician who is authorized to possess and use the radioactive drugs radiopharmaceuticals or of a physician authorized under the provisions of a broad radioactive material license. The licensee shall maintain a copy of the radioactive material license of each customer physician and shall verify that the physician is authorized to receive the prescribed radiopharmaceutical prior to transferring the radiopharmaceutical.

8) The licensee may distribute in vitro test kits to customers but shall neither remove any package insert nor violate the packaging.

9) The licensee shall subject each batch of sulfur colloid to microscopic tests for particle size and chromatographic tests for free pertechnetate, and shall maintain records of such tests for inspection by the Department. Preparations which contain particles one micron or larger in diameter, have more than 10 ten percent free pertechnetate, or appear flocculent or aggregated shall not be dispensed to customers.

10) The licensee shall report to the Department, within ten 10 days of occurrence, any irregularities pertaining to identification, labeling, quality or assay of any radioactive drug radiopharmaceutical received under the authority of this license.

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- d) Use of Sealed Sources in Industrial Radiography. In addition to the requirements set forth in Section 330.250, a specific license for use of sealed sources in industrial radiography will be issued if:

1) The applicant will have an adequate program for training radiographers and radiographer's assistants and submits to the Department a schedule or description of such program which specifies the:

- A) Initial training;
- B) Periodic training;
- C) On-the-job training;
- D) Means to be used by the licensee to determine the radiographer's knowledge and understanding of and ability to comply with the conditions of the license, the provisions of this Part and 32 Ill. Adm. Code 310, 320, 340, 341, 350 and 400 and the operating and emergency procedures of the applicant; and
- E) Means to be used by the licensee to determine the radiographer's assistants' knowledge and understanding of and ability to comply with the operating and emergency procedures of the applicant.

2) The applicant has established and submits to the Department satisfactory written operating and emergency procedures described in 32 Ill. Adm. Code 350.2020¹.

3) The applicant will have an internal inspection system to assure that the requirements of 32 Ill. Adm. Code 310, 320, 340, 341, 350, 400 and this Part, license provisions⁷ and the applicant's operating and emergency procedures are followed by radiographers and radiographer's assistants; the inspection system shall include the performance of internal inspections at intervals not to exceed 3 months and the retention of records of such inspections for 2 years. The inspection records shall contain the date, name of the person performing the inspection, inspection findings and a description of any corrective action taken⁷.

4) The applicant submits to the Department a description of the overall organizational structure pertaining to the industrial radiography program, including specified delegations of authority and responsibility for operation of the program⁷.

5) The applicant who desires to conduct his own leak tests has established adequate procedures to be followed in testing sealed sources for possible leakage and contamination and submits to the Department a description of such procedures, including:

- A) Instrumentation to be used;
- B) Method of performing tests; and
- C) Pertinent experience of the individual who will perform the test⁷.

6) The licensee shall conduct a program for inspection and maintenance of radiographic exposure devices and storage containers to assure proper functioning of components important

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to safety.

(Source: Amended at 18 Ill. Reg. _____, effective
MAR 29 1994)

Section 330.270 Special Requirements for Specific Licenses of Broad Scope

This Section prescribes requirements for the issuance of specific licenses of broad scope for radioactive material and certain regulations governing holders of such licenses.

AGENCY NOTE: Authority to transfer possession or control by the manufacturer, processor or producer of any equipment, device, commodity or other product containing byproduct material whose subsequent possession, use, transfer and disposal by all other persons are exempted from regulatory requirements may be obtained only from the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

a) The different types of broad scope licenses are set forth below:

1) A "Type A specific license of broad scope" is a specific license authorizing receipt, acquisition, ownership, possession, use and transfer of any chemical or physical form of radioactive material specified in the license, but not exceeding quantities specified in the license, for any authorized purpose. The quantities specified are usually in the ~~the~~ ~~multicurie~~ ~~range~~ multiples of gigabecquerels or curies.

2) A "Type B specific license of broad scope" is a specific license authorizing receipt, acquisition, ownership, possession, use and transfer of any chemical or physical form of radioactive material specified in Section 330. Appendix D of ~~this~~ ~~Part~~, for any authorized purpose. The possession limit for a Type B license of broad scope, if only one radionuclide is possessed thereunder, is the quantity specified for that radionuclide in Appendix-B7 Column I of Section 330. Appendix D. If two or more radionuclides are possessed thereunder, the possession limit for each is determined as follows: For each radionuclide, determine the ratio of the quantity possessed to the applicable quantity specified in Appendix-B7 Column I of Section 330. Appendix D for that radionuclide. The sum of the ratios for all radionuclides possessed under the license shall not exceed unity.

3) A "Type C specific license of broad scope" is a specific license authorizing receipt, acquisition, ownership, possession, use and transfer of any chemical or physical form of radioactive material specified in Section 330. Appendix D of ~~this~~ ~~Part~~, for any authorized purpose. The possession limit for a Type C license of broad scope, if only one radionuclide is possessed thereunder, is the quantity specified for that radionuclide in Appendix-B7 Column II of Section 330. Appendix D. If two or more radionuclides are possessed thereunder, the possession limit is determined for each as follows: For each radionuclide, determine the ratio of the quantity possessed to the applicable quantity

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specified in Appendix-B7 Column 117 of Section 330.250 Appendix D for that radionuclide. The sum of the ratios for all radionuclides possessed under the license shall not exceed unity.

- b) An application for a Type A specific license of broad scope will be approved if:

- 1) The applicant satisfies the general requirements specified in Section 330.250;
- 2) The applicant has engaged in a reasonable number of activities involving the use of radioactive material; and
- 3) The applicant has established administrative controls and provisions relating to organization and management, procedures, record-keeping recordkeeping, material control and accounting and management review that are necessary to assure safe operations, including:

A) The establishment of a radiation-safety-committee Radiation Safety Committee composed of such persons as a radiation safety-officer Radiation Safety Officer, a representative of management and persons trained and experienced in the safe use of radioactive material;

B) The appointment of a radiation-safety-officer Radiation Safety Officer who is qualified by training and experience in radiation protection, and who is available for advice and assistance on radiation safety matters; and

C) The establishment of appropriate administrative procedures to assure:

- i) Control of procurement and use of radioactive material;
- ii) Completion of safety evaluations of proposed uses of radioactive material which that take into consideration such matters as the adequacy of facilities and equipment, training and experience of the user and the operating or handling procedures; and
- iii) Review, approval and recording by the radiation-safety-committee Radiation Safety Committee of safety evaluations of proposed uses prepared in accordance with subsection (b)(3)(C)(ii) above prior to use of the radioactive material.

- c) An application for a Type B specific license of broad scope will be approved if:

- 1) The applicant satisfies the general requirements specified in Section 330.250; and
- 2) The applicant has established administrative controls and provisions relating to organization and management, procedures, record-keeping recordkeeping, material control and accounting and management review that are necessary to assure safe operations, including:

A) The appointment of a radiation-safety-officer Radiation Safety Officer who is qualified by training and experience in radiation protection, and who is available for advice and

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assistance on radiation safety matters; and

B) The establishment of appropriate administrative procedures to assure:

- i) Control of procurement and use of radioactive material;
- ii) Completion of safety evaluations of proposed uses of radioactive material which that take into consideration such matters as the adequacy of facilities and equipment, training and experience of the user and the operating or handling procedures; and
- iii) Review, approval and recording by the radiation-safety-officer Radiation Safety Officer of safety evaluations of proposed uses prepared in accordance with subsection (c)(2)(B)(ii) above prior to use of the radioactive material.

- d) An application for a Type C specific license of broad scope will be approved if:

- 1) The applicant satisfies the general requirements specified in Section 330.250;

2) The applicant submits a statement that radioactive material will be used only by, or under the direct supervision of, individuals who have received:

- A) A college degree at the bachelor level, or equivalent training and experience, in the physical, or biological sciences or in engineering; and
 - B) At least 40 hours of training and experience in the safe handling of radioactive material, and in the characteristics of ionizing radiation, units of radiation dose and quantities, radiation detection instrumentation and biological hazards of exposure to radiation pertinent to the type and forms of radioactive material to be used; and
- 3) The applicant has established administrative controls and provisions relating to procurement of radioactive material, procedures, record-keeping recordkeeping, material control and accounting and management review necessary to assure safe operations.

- e) Specific licenses of broad scope are subject to the following conditions:

- 1) Unless specifically authorized, persons licensed pursuant to this Section shall not:

- A) Conduct tracer studies in the environment involving direct release of radioactive material;
- B) Receive, acquire, own, possess, use or transfer devices containing ~~100-600--curies--~~ 3.7 PBq (100 kCi) or more of radioactive material in sealed sources used for irradiation of materials;
- C) Conduct activities for which a specific license issued by the Department under Sections 330.260 or 330.280 is required; or

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- b) Add or cause the addition of radioactive material to any food, beverage, cosmetic, drug or other product designed for ingestion or inhalation by, or application to, a human being.
- 2) Each Type A specific license of broad scope issued under this Part shall be subject to the condition that radioactive material possessed under the license may only be used by, or under the direct supervision of, individuals approved by the licensee's ~~radiation safety committee~~ Radiation Safety Committee.
- 3) Each Type B specific license of broad scope issued under this Part shall be subject to the condition that radioactive material possessed under the license may only be used by, or under the direct supervision of, individuals approved by the licensee's ~~radiation safety officer~~ Radiation Safety Officer.
- 4) Each Type C specific license of broad scope issued under this Part shall be subject to the condition that radioactive material possessed under the license may only be used by, or under the direct supervision of, individuals who satisfy the requirements of subsection (d) above.

(Source: Amended at 18 Ill. Reg. _____, effective **MAR 29 1994**)

Section 330.280 Special Requirements for a Specific License to Manufacture, Assemble, Repair, or Distribute Commodities, Products, or Devices which that Contain Radioactive Material

- a) Licensing the Introduction of Radioactive Material into Products in Exempt Concentrations:
- 1) In addition to the requirements set forth in Section 330.250, a specific license authorizing the introduction of radioactive material into a product or material owned by or in the possession of the licensee or another and the transfer of ownership or possession of the product or material containing the radioactive material to persons exempted from this Part pursuant to Sections 330.30 or 330.40(a) will be issued if:
- A) The applicant submits a description of the product or material into which the radioactive material will be introduced, intended use of the radioactive material and the product or material into which it is introduced, method of introduction, initial concentration of the radioactive material in the product or material, control methods to assure that no more than the specified concentration is introduced into the product or material, estimated time interval between introduction and transfer of the product or material, and estimated concentration of the radioactive material in the product or material at the time of transfer; and
- B) The applicant provides reasonable assurance that the

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concentrations of radioactive material at the time of transfer will not exceed the concentrations in Section 330.250 ~~Section 330.250~~ Appendix A of this Part, that reconcentration of the radioactive material in concentrations exceeding those in Section 330.250 ~~Section 330.250~~ Appendix A is not likely, that use of lower concentrations is not feasible, and that the product or material is not likely to be incorporated in any food, beverage, cosmetic, drug or other commodity or product designed for ingestion or inhalation by, or application to, a human being.

- 2) Each person licensed under subsection (a) is required to maintain records of transfer of material and shall file a report with the Department which shall identify the following:

- Type and quantity of each product or material into which radioactive material has been introduced during the reporting period;
- Name and address of the person who owned or possessed the product or material, into which radioactive material has been introduced, at the time of introduction;
- The ~~type and quantity~~ radioactive material introduced, assay date of ~~radioactive~~ radioactive material, introduced into each product or material; and
- The initial concentrations of the radionuclide in the product or material at time of transfer of the radioactive material by the licensee.

- 3) The licensee shall file the report within 30 days following:

- Five years after filing the preceding report; or
 - Filing an application for renewal of the license under Section 330.330; or
 - Notifying the Department under Section 330.330 of the licensee's decision to permanently discontinue activities authorized under the license issued under this subsection (a).
- 4) The report must ~~shall~~ cover the period between the filing of the preceding report and the occurrence specified in subsection (a)(3) ~~of this Part~~ of this Section above. If no transfers of radioactive material have been made under subsection (a) during the reporting period, the report shall so indicate.
- 5) The licensee shall maintain the record of a transfer for a period of one ~~one~~ year after the event has been included in a report to the Department.

- b) Licensing the Distribution of Radioactive Material in Exempt Quantities:

AGENCY NOTE: Authority to transfer possession or control by the manufacturer, processor or producer of any equipment, device, commodity, or other product containing byproduct material whose subsequent possession, use, transfer and disposal by all other persons are exempted from regulatory requirements may be obtained only from the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

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- 1) An application for a specific license to distribute NARM to persons exempted from this Part pursuant to Section 330.40(b) will be approved if:
- The radioactive material is not contained in any food, beverage, cosmetic, drug, or other commodity designed for ingestion or inhalation by, or application to, a human being;
 - The radioactive material is in the form of processed chemical elements, compounds, or mixtures, tissue samples, bioassay samples, counting standards, plated or encapsulated sources or similar substances, identified as radioactive and to be used for its radioactive properties, but is not incorporated into any manufactured or assembled commodity, product, or device intended for commercial distribution; and
 - The applicant submits copies of prototype labels and brochures and the Department approves such labels and brochures.
- 2) The license issued under subsection (b)(1) above is subject to the following conditions:
- No more than 10 ten exempt quantities shall be sold or transferred in any single transaction. However, an exempt quantity may be composed of fractional parts of one or more of the exempt quantities provided the sum of the fractions shall not exceed unity.
 - Each exempt quantity shall be separately and individually packaged. No more than 10 ten such packaged exempt quantities shall be contained in any outer package for transfer to persons exempt pursuant to Section 330.40(b). The outer package shall be such that the dose rate at the external surface of the package does not exceed 0.55-millirem per hour.
 - The immediate container of each quantity or separately packaged fractional quantity of radioactive material shall bear a durable, legible label which:
 - Identifies the radionuclide and the quantity of radioactivity activity; and
 - Bears the words "Radioactive Material".
 - In addition to the labeling information required by subsection (b)(2)(C) above, the label affixed to the immediate container, or an accompanying brochure, shall:
 - State that the contents are exempt from Licensing State requirements;
 - Bear the words "Radioactive Material - Not for Human Use - Introduction into Foods, Beverages, Cosmetics, Drugs, or Medicinals or into Products Manufactured for Commercial Distribution is Prohibited - Exempt Quantities Should Not Be Combined"; and
 - Set forth appropriate additional radiation safety precautions and instructions relating to the handling,

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- use, storage and disposal of the radioactive material.
- 3) Each person licensed under this subsection (b) is required to maintain records and file reports as follows:
- Records of transfer of material identifying, by name and address, each person to whom radioactive material is transferred for use under Section 330.40(b) or the equivalent regulations of an Agreement State, or a Licensing State and stating the kinds and quantities of radioactive material transferred. The licensee shall maintain the record of a transfer for a period of one 1 year after the event is included in a summary report to the Department.
 - The licensee shall file a summary report stating the total quantity activity of each radioisotope transferred under the specific license with the Department.
 - The licensee shall file the summary report within 30 days following:
 - Five 5 years after filing the preceding report; or
 - Filing an application for renewal of the license under Section 330.330; or
 - Notifying the Department under Section 330.330 of the licensee's decision to permanently discontinue activities authorized under the license issued under subsection (b).
 - The report must shall cover the period between the filing of the preceding report and the an occurrences occurrence specified in subsections (b)(3)(C) and (b)(3)(D) of this Section above. If no transfers of radioactive material have been made under subsection (b) during the reporting period, the report must shall so indicate.
 - Licensing the Incorporation of Naturally Occurring and Accelerator-Produced Radioactive Material into Gas and Aerosol Detectors. An application for a specific license authorizing the incorporation of NARM into gas and aerosol detectors to be distributed to persons exempt under Section 330.40(c)(3) will be approved if the application satisfies requirements equivalent to those contained in Section 32.26 of 10 CFR 32.26, revised as of published January 1, 1990 1993, exclusive of subsequent amendments of editions. The maximum quantity activity of radium-226 in each device shall not exceed 0.1 microcurie (3.7 KBq) (100 nCi).
- Amendment to Section 330.330 of the Illinois Administrative Code, effective January 1, 1990, as amended by Public Act 89-0011, Section 10-1, and Public Act 89-0012, Section 10-1, is hereby incorporated into this Part. A copy of 10-EP-32 is available for public inspection at the Department of Nuclear Safety.
- Licensing the Manufacture and Distribution of Devices to Persons Generally Licensed Under Section 330.220(b):
 - An application for a specific license to manufacture or distribute devices containing radioactive material, excluding special nuclear material, to persons generally licensed under Section 330.220(b) or equivalent regulations of the U.S. Nuclear

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Regulatory Commission, an Agreement State or a Licensing State will be approved if:

- A) The applicant satisfies the general requirements of Section 330.250;
- B) The applicant submits sufficient information relating to the design, manufacture, prototype testing, quality control, labels, proposed uses, installation, servicing, leak testing, operating and safety instructions and potential hazards of the device to provide reasonable assurance that:
 - i) The device can be safely operated by persons not having training in radiological protection;
 - ii) Under ordinary conditions of handling, storage and use of the device, the radioactive material contained in the device will not be released or inadvertently removed from the device and it is unlikely that any person will receive in any period of 1 year calendar quarter a dose in excess of 10 ten percent of the annual limits specified in the table in 32 ill. Adm. Code 310-220(a); and
 - iii) Under accident conditions such as fire and explosion associated with handling, storage and use of the device, it is unlikely that any person would receive an external radiation dose or dose commitment in excess of the following organ doses:
 - Whole body; head and trunk; active blood-forming organs; gonads; or lens of eye15-rems (150 mSv) (15 rem)
 - Hands and forearms; feet and ankles; localized areas of skin averaged over areas no larger than 1 square centimeter200-rems (2 Sv) (200 rem)
 - Other organs50-rems (500 mSv) (50 rem); and
- C) Each device bears a durable, legible, clearly visible label or labels approved by the Department, which contain in a clearly identified and separate statement:
 - i) Instructions and precautions necessary to assure safe installation, operation and servicing of the device; documents such as operating and service manuals may be identified in the label and used to provide this information;
 - ii) The requirement, or lack of requirement, for leak testing for leakage or contamination, or for testing any "on-off" mechanism and indicator, including the maximum time interval for such testing, and the identification of radioactive material by isotope; quantity of radioactivity and date of determination of the quantity radionuclide, activity and activity and date; and
 - iii) The information called for in one of the following statements, as appropriate, in the same or

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Substantially similar form: Devices Containing Radioactive Material Other Than Naturally Occurring Radionuclides Material. The receipt, possession, use and transfer of this device, Model _____, Serial No. _____, are subject to a general license or the equivalent and the regulations of the U.S. Nuclear Regulatory Commission or a State with which the U.S. Nuclear Regulatory Commission has entered into an agreement for the exercise of regulatory authority. This label shall be maintained on the device in a legible condition. Removal of this label is prohibited. CAUTION-RADIOACTIVE MATERIAL.

Name of Manufacturer or Distributor

AGENCY NOTE: The model, serial number and name of the manufacturer or distributor may be omitted from this label provided the information is elsewhere specified in labeling affixed to the device.

Devices Containing Naturally-Occurring Radioactive Material

The receipt, possession, use and transfer of this device, Model _____, Serial No. _____, are subject to a general license or the equivalent and the regulations of a Licensing State. This label shall be maintained on the device in a legible condition. Removal of this label is prohibited.

CAUTION - RADIOACTIVE MATERIAL

Name of Manufacturer or Distributor

AGENCY NOTE: The model, serial number and name of the manufacturer or distributor may be omitted from this label provided the information is elsewhere specified in labeling affixed to the device.

- 2) In-the-event-the-applicant-desires-that-the-device-be-required-to-be-tested-at-intervals-longer-than 6 months, either before or provided in this subsection, the interval between tests for proper operation of the "on-off" mechanism and indicator, if any, shall not exceed 6 months. The interval between tests for contamination of the device or for leakage of radioactive material from the device or for both, shall not exceed 3 months for devices containing sources designed to emit alpha particles and 6 months for all other devices. In the event the applicant desires that the device be required to be tested at intervals longer than the above, the applicant shall include in the application sufficient information to demonstrate that

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longer ~~intervals~~ intervals are justified, by the information shall include a description of the performance characteristics of the device or similar devices and by of design features which that have a significant bearing on the probability or consequences of contamination of the device or leakage of radioactive material from the device or failure of the "on-off" mechanism and indicator. In determining the acceptable interval for the test for leakage of radioactive material or contamination of the device, the Department will consider information which includes, but is not limited to:

- A) Primary containment or source capsule;
- B) Protection of primary containment;
- C) Method of sealing containment;
- D) Containment construction materials;
- E) Form of contained radioactive material;
- F) Maximum temperature withstood during prototype tests;
- G) Maximum pressure withstood during prototype tests;
- H) Maximum quantity activity of contained radioactive material;
- I) Radiotoxicity of contained radioactive material; and
- J) Operating experience with identical devices or similarly designed and constructed devices.

- 3) In the event the applicant desires that the general licensee under Section 330.220(b), or under equivalent regulations of the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State, be authorized to install the device, collect the sample to be analyzed by a specific licensee for leakage of, or contamination by, radioactive material, service the device, test the "on-off" mechanism and indicator or remove the device from installation, the applicant shall include in the application written instructions to be followed by the general licensee, estimated ~~calendar--quarter~~ annual doses associated with such activity or activities and bases for such estimates. The submitted information shall demonstrate that performance of such activity or activities by an individual untrained in radiological protection, in addition to other handling, storage and use of devices under the general license, is unlikely to cause that individual to receive a ~~calendar--quarter~~ annual dose in excess of 10 ten percent of the limits specified in ~~the table in 32 Ill. Adm. Code 340-20340(a)~~ 340.210(a).

- 4) Each person licensed under subsection (d) to distribute devices to generally licensed persons shall:

- A) Furnish a copy of the general license contained in Section 330.220(b) to each person to whom ~~he directly or through an intermediate--person--transfers~~ radioactive material in a device is either transferred directly or through an intermediate person for use pursuant to the general license contained in Section 330.220(b);
- B) Furnish a copy of the general license contained in the U.S. Nuclear Regulatory Commission's, Agreement State's, or

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Licensing State's regulation equivalent to Section 330.220(b), or alternatively, furnish a copy of the general license contained in Section 330.220(b) to each person to whom he directly or through an intermediate person transfers radioactive material in a device for use pursuant to the general license of the U.S. Nuclear Regulatory Commission, the Agreement State or the Licensing State. If a copy of the general license in Section 330.220(b) is furnished to such a person, it shall be accompanied by a note explaining that the use of the device is regulated by the U.S. Nuclear Regulatory Commission, an Agreement State or Licensing State under requirements substantially the same as those in Section 330.220(b);

- C) Report to the Department all transfers of such devices to persons for use under the general license in Section 330.220 (b). Such report shall identify each general licensee by name and address, an individual by name and/or position who may constitute a point of contact between the Department and the general licensee, the type and model number of device transferred, and the ~~quantity--and--type--of--radioactive material~~ radioactive material and activity contained in the device. If one or more intermediate persons will temporarily possess the device at the intended place of use prior to its possession by the user, the report shall include identification of each intermediate person by name, address, contact and relationship to the intended user. If no transfers have been made to persons generally licensed under Section 330.220(b) during the reporting period, the report shall so indicate. The report shall cover each calendar quarter and shall be filed within 30 days thereafter;

- D) Furnish reports to other agencies as follows:

- i) Report to the U.S. Nuclear Regulatory Commission all transfers of such devices to persons for use under the U.S. Nuclear Regulatory Commission general license in ~~Section 31-5 of 10 CFR 31.5.~~
- ii) Report to the responsible State state agency all transfers of devices manufactured and distributed pursuant to subsection (d) for use under a general license in that State's state's regulations equivalent to Section 330.220(b).
- iii) Such reports shall identify each general licensee by name and address, an individual by name and/or position who may constitute a point of contact between the agency and the general licensee, the type and model of the device transferred and the ~~quantity--and--type--of--radioactive material~~ radioactive material and activity contained in the device. If one or more intermediate persons will temporarily possess the device at the intended place of use prior to its possession by the

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user, the report shall include identification of each intermediate person by name, address, contact, and relationship to the intended user. The report shall be submitted within 30 days after the end of each calendar quarter in which such a device is transferred to the generally licensed person.

iv) If no transfers have been made to U.S. Nuclear Regulatory Commission licensees during the reporting period, this information shall be reported to the U.S. Nuclear Regulatory Commission.

v) If no transfers have been made to general licensees within a particular State during the reporting period, this information shall be reported to the responsible State agency upon request of that agency; and

E) Keep records showing the name, address and the point of contact for each general licensee to whom he directly or through an intermediate person transfers radioactive material in devices for use pursuant to the general license provided in Section 330.220(b), or equivalent regulations of the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State. The records shall show the date of each transfer, the radionuclide and the quantity of radioactivity activity in each device transferred, the identity of any intermediate person and compliance with the report requirements of subsection (d)(4) above. The records required by this paragraph subsection shall be maintained for a period of five 5 years from the date of the recorded event.

e) Special Requirements for the Manufacture, Assembly or Repair of Luminous Safety Devices for Use in Aircraft:

1) An application for a specific license to manufacture, assemble or repair luminous safety devices containing tritium or promethium-147 for use in aircraft, for distribution to persons generally licensed under Section 330.220(c) will be approved if:

A) The applicant satisfies the general requirements specified in Section 330.250; and

B) The applicant satisfies the requirements of Sections 32-537, 32-547, 32-557, and 32-604 of 10 CFR 32.53 - 32.55 and 32.101, revised as of published January 1, 1998 1993, exclusive of subsequent amendments or editions, or their equivalent. A copy of 10-CFR-32 is available for public inspection at the Department of Nuclear Safety.

2) Each person licensed under this subsection shall file an annual report with the Department which shall state the total quantity activity of tritium or promethium-147 transferred to persons generally licensed under Section 330.220(c) or equivalent regulations of the U.S. Nuclear Regulatory Commission or an Agreement State. The report shall identify each general licensee

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by name and address, state the kinds and numbers of luminous devices transferred and specify the quantity activity of tritium or promethium-147 in each kind of device. Each report shall cover the year ending June 30 and shall be filed within thirty-60 30 days thereafter.

Special requirements for license to Manufacture Calibration Sources Containing Americium-241, Plutonium, or Radium-226 for Distribution to Persons Generally Licensed Under Section 330.220(e). An application for a specific license to manufacture calibration and reference sources containing americium-241, plutonium, or radium-226 for distribution to persons generally licensed under Section 330.220(e) will be approved if:

1) The applicant satisfies the general requirements of Section 330.250; and

2) The applicant satisfies the requirements of 10 CFR 32.57-10-CFR and 70.39 published January 1, 1993, and certifies that he will satisfy, and subsequently satisfies, the requirements of 10 CFR 32.58, 10-CFR 32.59 and 10-CFR 32.102, revised as of published January 1, 1998 1993, exclusive of subsequent amendments or editions.

Manufacture and Distribution of Radioactive Material for Certain In Vitro Clinical or Laboratory Testing Under General License. An application for a specific license to manufacture or distribute radioactive material for use under the general license of Section 330.220(f), or equivalent regulations of the U.S. Nuclear Regulatory Commission, an Agreement State of a Licensing State, or the Nuclear Regulatory Commission will be approved if:

1) The applicant satisfies the general requirements specified in Section 330.250.

2) The radioactive material is to be prepared for distribution in prepackaged units of:

A) Carbon-14 in units not exceeding 10-microcuries-t 370 kBq (10 microCi) each.

B) Cobalt-57 in units not exceeding 10-microcuries-t 370 kBq (10 microCi) each.

C) Hydrogen-3 (tritium) in units not exceeding 50-microcuries-t 1.85 MBq (50 microCi) each.

D) Iodine-125 in units not exceeding 10-microcuries-t 370 kBq (10 microCi) each.

E) Mock iodine iodine-125 in units not exceeding 0-05 microcurie-t 1.85 kBq (50 nCi) of iodine-129 and 0-005 microcurie-t 185 Bq (5 nCi) of americium-241 each.

F) Iodine-131 in units not exceeding 10-microcuries-t 370 kBq (10 microCi) each.

G) Iron-59 in units not exceeding 20-microcuries-t 740 kBq (20 microCi) each.

H) Selenium-75 in units not exceeding 10-microcuries-t 370 kBq (10 microCi) each.

3) Each prepackaged unit bears a durable, clearly visible label:

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- A) Identifying the radioactive contents as to chemical form and radionuclide, and indicating that the amount of radioactivity does not exceed ~~10-microcuries~~-t 370 kBq (10 microCi) of iodine-125, iodine-131, carbon-14, cobalt-57 or selenium-75; ~~50-microcuries~~-t 1.85 MBq (50 microCi) of hydrogen-3 (tritium); ~~20--microcuries--t~~ 740 kBq (20 microCi) of iron-59; or mock iodine-125 in units not exceeding ~~0.05-microcurie~~-t 1.85 kBq (50 nCi) of iodine-129 and ~~0.005--microcurie--t~~ 185 Bq (5 nCi) of americium-241 each; and
- B) Displaying the radiation caution symbol described in 32 Ill. Adm. Code ~~340-2030(a)(1)~~ 340.910(a) and the words, "CAUTION - RADIOACTIVE MATERIAL", and "Not for Internal or External Use in Humans or Animals".

- 4) One of the following statements, as appropriate, or a statement which contains the information called for in one of the following statements, appears on a label affixed to each prepackaged unit or appears in a leaflet or brochure which accompanies the package:

A) This radioactive material may be received, acquired, possessed and used only by physicians, veterinarians, clinical laboratories or hospitals and only for in vitro clinical or laboratory tests not involving internal or external administration of the material, or the radiation therefrom, to human beings or animals. Its receipt, acquisition, possession, use and transfer are subject to the regulations and a general license of the U.S. Nuclear Regulatory Commission or of a State with which the Commission has entered into an agreement for the exercise of regulatory authority.

B) This radioactive material may be received, acquired, possessed and used only by physicians, veterinarians, clinical laboratories or hospitals and only for in vitro clinical or laboratory tests not involving internal or external administration of the material, or the radiation therefrom, to human beings or animals. Its receipt, acquisition, possession, use and transfer are subject to the regulations and a general license of a Licensing State.

- 5) The label affixed to the unit, or the leaflet or brochure which accompanies the package, contains information about the precautions to be followed in handling and storing such radioactive material. In the case of the mock iodine-125 reference or calibration source, the manufacturer shall state in the directions that this item shall be disposed of in compliance with 32 Ill. Adm. Code ~~340-3010~~ 340.1010(a).

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- n) Licensing the Manufacture and Distribution of Ice Detection Devices. An application for a specific license to manufacture and distribute ice detection devices to persons generally licensed under Section 330.220(g) will be approved if:

- 1) The applicant satisfies the general requirements of Section 330.250; and
- 2) The criteria of Section ~~32-617-32-627--and-32-103-of~~ 10 CFR 32.61, 32.62 and 32.103 ~~as in effect published~~ January 1, 1994 1993, exclusive of subsequent amendments or editions, are met.

Agency-Note:--A-copy-of--10-CFR--32--is--available-for-public inspection-at-the-Department:

- 1) Manufacture and Distribution of Radiopharmaceuticals Containing Radioactive Material for Medical Use Under Specific Licenses. An application for a specific license to manufacture and distribute radiopharmaceuticals containing radioactive material for use by persons licensed pursuant to Section 330.260(a) for the uses listed described in 32 Ill. Adm. Code 335.3010, 335.4010 or 335.5010 will be approved if:

- 1) The applicant satisfies the general requirements specified in Section 330.250;

- 2) The applicant submits information showing that:

A) The radiopharmaceutical containing radioactive material will be manufactured, labeled and packaged in accordance with the Federal Food, Drug, and Cosmetic Act or the Public Health Service Act, such as a New Drug Application (NDA) approved by the Food and Drug Administration (FDA) or an Investigational New Drug Application (IND) that has been accepted by the FDA; or

B) The manufacture and distribution of the radiopharmaceutical containing radioactive material is not subject to the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act;

- 3) The applicant submits information on the radionuclide, chemical and physical form, packaging including maximum activity per package and shielding provided by the packaging of the radioactive material which is appropriate for safe handling and storage of radiopharmaceuticals by specific licensees; and
- 4) The label affixed to each package of the radiopharmaceutical contains information on the radionuclide, quantity and date of activity and activity assay date and the label affixed to each package, or the leaflet or brochure which accompanies each package, contains a statement that the radiopharmaceutical is licensed by the Department for distribution to persons licensed pursuant to Section 330.260(a) for radioactive material specified in 32 Ill. Adm. Code 335.3010, 335.4010 or 335.5010, as appropriate, or under equivalent licenses of the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State. The labels, leaflets, or brochures required by this subsection are in addition to the labeling required by the U.S. Food and

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Drug Administration (FDA) and may be separate from or, with the approval of FDA, may be combined with the labeling required by FDA.

- j) Manufacture and Distribution of Generators or Reagent Kits for Preparation of Radiopharmaceuticals Containing Radioactive Material.

AGENCY NOTE: Although the Department does not regulate the manufacture and distribution of reagent kits that do not contain radioactive material, it does regulate the use of such reagent kits for the preparation of radiopharmaceuticals containing radioactive material as part of its licensing and regulation of the users of radioactive material. Any manufacturer of reagent kits that do not contain radioactive material who desires to have such reagent kits approved by the Department for use by persons licensed pursuant to Section 330.260(a) for generators or reagent kits specified in 32 Ill. Adm. Code 335.4010 may submit the pertinent information specified in this subsection.

An application for a specific license to manufacture and distribute generators or reagent kits containing radioactive material for preparation of radiopharmaceuticals by persons licensed pursuant to Section 330.260(a) for the uses specified in 32 Ill. Adm. Code 335.4010 will be approved if:

- 1) The applicant satisfies the general requirements specified in Section 330.250;
- 2) The applicant submits evidence that:
 - A) The generator or reagent kit is to be manufactured, labeled and packaged in accordance with the Federal Food, Drug, and Cosmetic Act or the Public Health Service Act, such as a New Drug Application (NDA) approved by the FDA, or an Investigational New Drug Application (IND) that has been accepted by the FDA; or
 - B) The manufacture and distribution of the generator or reagent kit are not subject to the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act;
- 3) The applicant submits information on the radionuclide, chemical and physical form, packaging including maximum activity per package and shielding provided by the packaging of the radioactive material contained in the generator or reagent kit;
- 4) The label affixed to the generator or reagent kit contains information on the radionuclide, quantity and date of activity and activity assay date; and
- 5) The label affixed to the generator or reagent kit, or the leaflet or brochure which accompanies the generator or reagent kit, contains:
 - A) Adequate information, from a radiation safety standpoint, on the procedures to be followed and the equipment and shielding to be used in eluting the generator or processing radioactive material with the reagent kit; and

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- B) A statement that this the generator or reagent kit, as appropriate, is approved for use by persons licensed by the Department pursuant to Section 330.260(a) and 32 Ill. Adm. Code 335.4010 or under equivalent licenses of the U.S. Nuclear Regulatory Commission, an Agreement State, or a Licensing State. The labels, leaflets or brochures required by this subsection are in addition to the labeling required by the U.S. Food and Drug Administration (FDA) and they may be separate from or, with the approval of FDA, may be combined with the labeling required by FDA.

k) Manufacture and Distribution of Sources or Devices Containing Radioactive Material for Medical Use. An application for a specific license to manufacture and distribute sources and devices containing radioactive material to persons licensed pursuant to Section 330.260(a) for use as a calibration or reference source or for the uses listed in 32 Ill. Adm. Code 335.7010 will be approved if:

- 1) The applicant satisfies the general requirements in Section 330.250;
- 2) The applicant submits sufficient information regarding each type of source or device pertinent to an evaluation of its radiation safety, including:
 - A) The radioactive material contained, its chemical and physical form and amount activity;
 - B) Details of design and construction of the source or device;
 - C) Procedures for, and results of, prototype tests to demonstrate that the source or device will maintain its integrity under stresses likely to be encountered in normal use and accidents;
 - D) For devices containing radioactive material, the radiation profile of a prototype device;
 - E) Details of quality control procedures to assure that production sources and devices meet the standards of the design and prototype tests;
 - F) Procedures and standards for calibrating sources and devices;
 - G) Legend and methods for labeling sources and devices as to their radioactive content; and
 - H) Instructions for handling and storing the source sources or device devices from the radiation safety standpoint; these instructions are to be included on a durable label attached to the source or device or attached to a permanent storage container for the source or device; provided, that instructions which are too lengthy for such label may be summarized on the label and printed in detail on a brochure which is referenced on the label;
- 3) The label affixed to the source or device, or to the permanent storage container for the source or device, contains information on the radionuclide, quantity and date of activity and activity assay date and a statement that the source or device is licensed

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by the Department for distribution to persons licensed pursuant to Section 330.260(a) and 32 Ill. Adm. Code 335.7010 or under equivalent licenses of the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State, provided, that such labeling for sources which do not require long-term storage may be on a leaflet or brochure which accompanies the source;

- 4) In the event the applicant desires that the source or device be required to be tested for leakage of, or contamination by, radioactive material at intervals longer than 6 months, he shall include in his application sufficient information to demonstrate that such longer interval is justified by performance characteristics of the source or device or similar sources or devices and by design features that have a significant bearing on the probability or consequences of radioactive contamination or leakage of radioactive material from the source; and
- 5) In determining the acceptable interval for test tests of leakage of, or contamination by, radioactive material, the Department will consider information that includes, but is not limited to:
 - A) Primary containment or source capsule;
 - B) Protection of primary containment;
 - C) Method of sealing containment;
 - D) Containment construction materials;
 - E) Form of contained radioactive material;
 - F) Maximum temperature withstood during prototype tests;
 - G) Maximum pressure withstood during prototype tests;
 - H) Maximum quantity activity of contained radioactive material;
 - I) Radiotoxicity of contained radioactive material; and
 - J) Operating experience with identical sources or devices or similarly designed and constructed sources or devices.

- 1) Requirements for License to Manufacture and Distribute Industrial Products Containing Depleted Uranium for Mass-Volume Applications.

An application for a specific license to manufacture industrial products and devices containing depleted uranium for use pursuant to Section 330.210(d) or equivalent regulations of the U.S. Nuclear Regulatory Commission or an Agreement State will be approved if:

- 1) The applicant satisfies the general requirements specified in Section 330.250.
- 2) The applicant submits sufficient information relating to the design (including blueprints), manufacture (construction materials and methods), prototype testing (description of testing that will be done and the acceptance criteria), quality control procedures, labeling or marking, proposed uses and potential hazards of the industrial product or device to assure that possession, user or transfer of the depleted uranium in the product or device will not cause any individual to receive in any period of 1 calendar-quarter year a radiation dose in excess of 10 ten percent of the limits specified in 32 Ill. Adm. Code 340.210(a).

- 3) The applicant submits information assuring that the presence of

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depleted uranium for a mass-volume application in the product or device will provide a unique benefit to the public, i.e., a benefit which could not be achieved but for the use of depleted uranium. The applicant's methods for use and handling of the product or device will not result in uncontrolled disposal or dispersal of depleted uranium into the environment.

- 4) The Department will deny any application for a specific license under this subsection if the end use(s) of the industrial product or device cannot be reasonably foreseen.

- 5) Each person licensed pursuant to subsection ~~(1)~~ (1) of this subsection shall:
 - A) Maintain the level of quality control required by the license in the manufacture of the industrial product or device, and in the installation of the depleted uranium into the product or device;

- B) Label or mark each unit to:
 - i) Identify the manufacturer of the product or device and the number of the license under which the product or device was manufactured, the fact that the product or device contains depleted uranium and the quantity activity of depleted uranium in each product or device; and
 - ii) State that the receipt, possession, use and transfer of the product or device are subject to a general license or the equivalent and the regulations of the U.S. Nuclear Regulatory Commission or an Agreement State;

- C) Assure that the depleted uranium before being installed in each product or device has been impressed with the following legend clearly legible through any plating or other covering: "Depleted Uranium";

- D) Furnish:
 - i) A copy of the general license contained in Section 330.210(d) and a copy of the form, "Registration Certificate - Use of Depleted Uranium Under General License", to each person to whom he transfers depleted uranium in a product or device for use pursuant to the general license contained in Section 330.210(d); or
 - ii) A copy of the general license contained in the U.S. Nuclear Regulatory Commission's or Agreement State's regulation equivalent to Section 330.210(d) and a copy of the U.S. Nuclear Regulatory Commission's or Agreement State's certificate, or alternatively, furnish a copy of the general license contained in Section 330.210(d) and a copy of the form, "Registration Certificate - Use of Depleted Uranium Under General License", to each person to whom he transfers depleted uranium in a product or device for use pursuant to the general license of the U.S.

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Nuclear Regulatory Commission or an Agreement State, with a note explaining that use of the product or device is regulated by the U.S. Nuclear Regulatory Commission or an Agreement State under requirements substantially the same as those in Section 330.210(d);

- E) Report to the Department all transfers of industrial products or devices to persons for use under the general license in Section 330.210(d). Such report shall identify each general licensee by name and address, an individual by name and/or position who may constitute a point of contact between the Department and the general licensee, the type and model number of device transferred and the quantity of depleted uranium contained in the product or device. The report shall be submitted within ~~thirty~~ 30 days after the end of each calendar quarter in which such a product or device is transferred to the generally licensed person. If no transfers have been made to persons generally licensed under Section 330.210(d) during the reporting period, the report shall so indicate;

- F) File a report which identifies each general licensee by name and address, an individual by name and/or position who constitutes a point of contact between the agency and the general licensee, the type and model number of the device transferred and the quantity activity of depleted uranium contained in the product or device. The report shall be submitted within ~~thirty~~ 30 days after the end of each calendar quarter in which such product or device is transferred to the generally licensed person. The licensee shall report:

- i) To the U.S. Nuclear Regulatory Commission all transfers of industrial products or devices to persons for use under the U.S. Nuclear Regulatory Commission general license in ~~Section 40-25~~ of 10 CFR 40.25;
- ii) To the responsible State agency all transfers of devices manufactured and distributed pursuant to subsection (i) for use under a general license in that State's state's regulations equivalent to Section 330.210(d);
- iii) To the U.S. Nuclear Regulatory Commission if no transfers have been made by the licensees during the reporting period;
- iv) To the responsible Agreement State Agency upon the request of that Agency if no transfers have been made to general licensees within a particular Agreement State during the reporting period; and
- G) Keep records showing the name, address and point of contact for each general licensee to whom he transfers depleted uranium in industrial products or devices for use pursuant to the general license provided in Section 330.210(d) or

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equivalent regulations of the U.S. Nuclear Regulatory Commission or an Agreement State. The records shall be maintained for a period of 2 years and shall show the date of each transfer, the quantity activity of depleted uranium in each product or device transferred and compliance with the report requirements of this Section.

- m) Special Requirements for License to Manufacture, Import or Initially Distribute Sealed Sources or Devices Containing Sealed Sources to Persons ~~having~~ Having a Specific License.

1) An application for license to manufacture, import or initially distribute sealed sources or devices containing sealed sources for initial transfer to persons having a specific license to receive such sealed sources or devices will be approved subject to the following conditions:

- A) The applicant satisfies the general requirements specified in Section 330.250;
- B) The licensee subject to this subsection (m) shall not transfer a sealed source or device containing a sealed source to any person except in accordance with the requirements of Section 330.400.

- 2) Any manufacturer, importer, or initial distributor of a sealed source or device containing a sealed source whose product is intended for use under a specific license may submit a request to the Department for evaluation of radiation safety information about its product and for filing an evaluation sheet in the U.S. Department of Health and Human Services "Radioactive Material Reference Manual" or in the U.S. Nuclear Regulatory Commission "Registry of Radioactive Sealed Sources and Devices".

- A) A request for evaluation of a sealed source or device containing a sealed source ~~must~~ shall be submitted in duplicate and shall include information required by subsections (m)(2)(B) or (C) below, as applicable, demonstrating that the radiation safety properties of such source or device will not endanger public health and safety or property.

- B) A request for evaluation of a sealed source ~~must~~ shall include the following radiation safety information:

- i) Proposed uses for the sealed source;
- ii) Chemical and physical form and maximum quantity of radioactive material in the sealed source;
- iii) Details of design of the sealed source, including blueprints, engineering drawings or annotated drawings;
- iv) Details of construction of the sealed source including a description of materials used in construction;
- v) Radiation profile of a prototype sealed source;
- vi) Procedures for and results of prototype testing;
- vii) Details of quality control procedures to be followed in manufacture;

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viii) A description or facsimile of labeling to be affixed to the sealed source;

ix) Leak testing procedures; and

x) Any additional information, including experimental studies and tests, required by the Department to facilitate a determination of the safety of the sealed source, as required by Section 330.250.

C) A request for evaluation of a device containing a sealed source ~~must~~ shall include the following radiation safety information:

- i) Proposed uses for the device;
- ii) Manufacturer, model number, chemical and physical form and maximum quantity of radioactivity in the sealed source or sources to be used in the device;
- iii) Details of design of the sealed source, including blueprints, engineering drawings or annotated drawings;
- iv) Details of construction of the sealed source including a description of materials used in construction;
- v) Radiation profile of a prototype device;
- vi) Procedures for and results of prototype testing;
- vii) Details of quality control procedures to be followed in manufacture;
- viii) A description or facsimile of labeling to be affixed to the device;

ix) Leak testing procedures;

x) A description of potential hazards in installation, service, maintenance, handling, use and operation of the device;

xi) Information about installation, service and maintenance procedures;

xii) Handling, operating and safety instructions; and

xiii) Any additional information, including experimental studies and tests, required by the Department to facilitate a determination of the safety of the device as required by Section 330.250.

D) When evaluating a sealed source or device, the Department will apply the radiation safety criteria described in ~~subsection 32-210(d) of 10 CFR 32.210(d)~~, revised--as--of ~~published January 1, 1990 1993~~, exclusive of subsequent amendments or additions editions. A copy of 10--CFR--32--19 available for public inspection at the Department.

E) The person submitting a request for evaluation of a product shall manufacture and distribute the product in accordance with:

- i) The statements and representations, including the quality control program, described in the request; and
- ii) The provisions of the evaluation sheet prepared by the Department and submitted to the U.S. Department of

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Health and Human Services, for filing in the "Radioactive Material Reference Manual", or to the U.S. Nuclear Regulatory Commission, for filing in "Registry of Radioactive Sealed Sources and Devices".

n) Manufacture and Distribution of Radioactive Material for Medical Use Under General License. A specific license authorizing the distribution of radioactive materials for diagnostic medical use by a physician under a general license shall be issued only if the applicant for the specific license satisfies the requirements of Section 330.250 and:

- 1) The applicant submits evidence that the radioactive material is to be manufactured, labeled and packaged in accordance with a ~~new drug application which an approval by the commissioner of Food and Drugs, U.S. Food and Drug Administration, has approved~~ or in accordance with a ~~license an approval for a biologic product issued by the Secretary, U.S. Department of Health and Human Services; and~~
- 2) One of the following statements, as appropriate, or a statement which contains the information called for in one of the following statements, appears on the label affixed to the container or appears in the leaflet or brochure which accompanies the package:
 - A) This ~~radioactive drug radiopharmaceutical~~ may be received, possessed, and used only by physicians licensed to dispense drugs in the practice of medicine. Its receipt, possession, user and transfer are subject to the regulations and a general license or its equivalent of the U.S. Nuclear Regulatory Commission, or of a state with which the Commission has entered into an agreement for the exercise of regulatory authority.

Name of Manufacturer

B) This ~~radioactive drug radiopharmaceutical~~ may be received, possessed, and used only by physicians licensed to dispense drugs in the practice of medicine. Its receipt, possession, user and transfer are subject to the regulations and a general license or its equivalent of a Licensing State.

Name of Manufacturer

(Source: ~~amended at~~ 18 Ill. Reg. ~~effective~~
MAR 29 1994)

Section 330.300 Issuance of Specific Licenses

a) Upon a determination that an application meets the requirements of the Act and the regulations of the Department, the Department will issue a specific license authorizing the proposed activity in such form and

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- including such conditions and limitations as it deems appropriate or otherwise.
- b) The Department may incorporate in any license at the time of issuance, or thereafter by appropriate rule, regulation or order, such additional requirements and conditions with respect to the licensee's receipt, possession, use and transfer of radioactive material subject to this Part as it deems appropriate or necessary in order to:
- 1) minimize Minimize danger to public health and safety or property;
 - 2) require Require such reports and the keeping of such records, and to provide for such inspections of activities under the license as may be appropriate or necessary; and
 - 3) prevent Prevent loss or theft of material subject to this Part.

(Source: Amended 18 Ill. Reg. _____, effective MAR 24 1994)

Section 330.310 Specific Terms and Conditions of License

- a) Each license issued pursuant to this Part shall be subject to all applicable provisions of the Radiation Protection Act of 1990 (the Act) (Ill. Rev. Stat. 1990-Supp. 1991, ch. 111 1/2, par. 210-1 et seq.) [420 ILCS 40], now or hereafter in effect, and to all applicable rules, regulations and orders of the Department.
- b) No license issued or granted under this Part and no right to possess or utilize radioactive material granted by any license issued pursuant to this Part shall be transferred, assigned, or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control of any license to any person unless the Department shall, after securing full information, find that the transfer is in accordance with the provisions of the Act, and shall give its consent in writing.
- c) Each person licensed by the Department pursuant to this Part shall confine use and possession of the material licensed to the locations and purposes authorized in the license.
- d) Each licensee shall notify the Department in writing prior to commencing activities to reclaim the licensed facility.
- e) Notification of Bankruptcy
- 1) Each licensee shall notify the Department, in writing, immediately following the filing of a voluntary or involuntary petition for bankruptcy under any Chapter of Title 11 (Bankruptcy) of the United States Code by or against:
 - A) The licensee;
 - B) An entity (as the term is defined in 11 U.S.C. 101(14)) controlling the licensee or listing the license or licensee as property of the estate; or
 - C) An affiliate (as the term is defined in 11 U.S.C. 101(2)) of the licensee.
 - 2) This notification must shall indicate:
 - A) The bankruptcy court in which the petition for bankruptcy

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was filed; and

b) The date of the filing of the petition.

(Source: Amended at 18 Ill. Reg. _____, effective MAR 29 1994)

Section 330.320 Expiration and Termination of Licenses

- a) Except as provided in Section 330.330(b), the authority to engage in licensed activities as specified in the specific license shall expire at the end of the specified day in the month and year stated therein. Any expiration date on a specific license applies only to the authority to engage in licensed activities. Expiration of a specific license shall not relieve the licensee of responsibility for decommissioning his its facility and terminating the specific license.
- b) Each licensee shall notify the Department immediately, in writing, and request termination of the license when the licensee decides to terminate all activities involving radioactive materials authorized under the license. This notification and request for termination shall include the documents required by subsection (d) below and shall otherwise substantiate that the licensee has met all of the requirements in subsection (d) below.
- c) No less than 30 days before the expiration date specified in the license, the licensee shall either:
- 1) submit Submit an application for license renewal under Section 330.330; or
 - 2) notify Notify the Department, in writing, if the licensee decides not to renew the license. The licensee requesting termination of a license shall comply with the requirements of subsection (d) below.
- d) Termination of Licenses:
- 1) If a licensee does not submit an application for license renewal under Section 330.330, the licensee shall, on or before the expiration date specified in the license:
 - A) terminate Terminate use of radioactive material;
 - B) remove Remove radioactive contamination to the level outlined in 32 Ill. Adm. Code 340.Appendix E A, to the extent practicable;
 - C) properly Properly dispose of radioactive material;
 - D) submit Submit a completed Department Form KLM-007; and
 - E) submit Submit a radiation survey report to confirm the absence of radioactive materials or to establish the levels of residual radioactive contamination, unless the licensee demonstrates the absence of residual radioactive contamination in some other manner. The radiation survey report shall specify the instrumentation used and verify that each instrument was properly calibrated and tested. The licensee shall, as applicable, report levels or quantities of:

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i) report--levels--of radiation in units of microcuries per hour of beta and gamma radiation at 1 meter from surfaces and gamma radiation at 1 meter from surfaces and report levels of radioactivity in units of transformations per minute for microcuries per 100 square centimeters removable and fixed on surfaces; microcuries per milliliter in water; and picocuries per gram in contaminated solids such as soils or concrete; and Beta and gamma radiation at 1 centimeter from surfaces in units, multiples, or subunits of sieverts or rem per hour;

ii) specify the instrumentation used and certify that each instrument was properly calibrated and tested; Gamma radiation at 1 meter from surfaces in units, multiples, or subunits of sieverts or rem per hour;

iii) Removable radioactivity on surfaces in units, multiples, or subunits of becquerels or curies per 100 square centimeters of surface area, or in disintegrations (transformations) per minute per 100 square centimeters of surface area;

iv) Fixed radioactivity on surfaces in units, multiples, or subunits of becquerels or curies per 100 square centimeters of surface areas or in disintegrations (transformations) per minute per 100 square centimeters of surface area;

v) Radioactivity in contaminated liquids such as water, oils or solvents in units, multiples, or subunits of becquerels or curies per milliliter of volume; and

vi) Radioactivity in contaminated solids such as soils or concrete in units, multiples, or subunits of becquerels or curies per gram of solid.

2) If no residual radioactive contamination attributable to activities conducted under the license is detected, the licensee shall submit a certification that no detectable radioactive contamination was found. The Department will notify the licensee, in writing, of the termination of the license.

3) If detectable levels of residual radioactive contamination attributable to activities conducted under the license are found:

A) The licensee continues in effect beyond the expiration date, if necessary, with respect to possession of residual radioactive material present as contamination until the Department notifies the licensee in writing that the license is terminated. During this time the licensee is subject to the provisions of subsection (e) below.

B) In addition to the information submitted under subsections (1)(D) and (1)(E) above, the licensee shall submit a plan for decontamination, if required, as regards residual radioactive contamination remaining at the time the license expires.

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e) Each licensee who possesses residual radioactive material under subsection (d)(3) above, following the expiration date specified in the license, shall:

- 1) limit limit actions involving radioactive material to those related to decontamination and other activities related to preparation for release for unrestricted use; and
- 2) continue Continue to control entry to restricted areas until they are suitable for release for unrestricted use and the Department notifies the licensee in writing that the license is terminated.

(Source: Amended at 18 Ill. Reg. _____, effective MAR 29 1994)

Section 330.400 Transfer of Material

a) No licensee shall transfer radioactive material except as authorized pursuant to this Section.

b) Except as otherwise provided in his license and subject to the provisions of subsections (c) and (d) below, any licensee may transfer radioactive material:

- 1) To the Department if prior approval has been granted by the Department;

AGENCY-NRRE:--A licensee may transfer material to the Department only after receiving prior approval from the Department;

- 2) To the U.S. Department of Energy;

- 3) To any person exempt from the regulations in this Part to the extent permitted under such exemption;

- 4) To any person authorized to receive such material under terms of a general license or its equivalent, or a specific license or equivalent licensing document, issued by the Department, the U.S. Nuclear Regulatory Commission, an Agreement State, or any a Licensing State or to any person otherwise authorized to receive such material by the Federal Government or any agency thereof, the Department, an Agreement State or a Licensing State; or
- 5) As otherwise authorized by the Department in writing.

c) Before transferring radioactive material to a specific licensee of the Department, or to a general licensee who is required to register with the Department, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State prior to receipt of the radioactive material, the licensee transferring the material shall verify that the transferee's license authorizes the receipt of the type radionuclide, form and quantity activity of radioactive material to be transferred. Any--of--the The following methods for the verification required by subsection (c) above are acceptable:

- 1) The transferor may possess a current copy of the transferee's specific license or registration certificate authorizing the transferee to receive the type radionuclide, form and quantity activity of radioactive material to be transferred;

- 2) The transferor may possess a written certification by the

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transferee that the transferee is authorized by license or registration certificate to receive the type radioactive material, form and quantity activity of radioactive material to be transferred, and specifying the license or registration certificate number, issuing agency and expiration date;

- 3) For emergency shipments, the transferor may accept oral certification by the transferee that the transferee is authorized by license or registration certificate to receive the type radioactive material, form and quantity activity of radioactive material to be transferred, specifying the license or registration certificate number, issuing agency and expiration date; provided, that the oral certification is confirmed in writing within 10 days;

- 4) The transferor may obtain other information compiled by a reporting service from official records of the Department, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State regarding the identity of licensees and the scope and expiration dates of licenses and registration; or

- 5) When none of the methods of verification described in subsections (d)(1) through (4) above are readily available or when a transferor desires to verify that information received by one of such methods is correct or up-to-date, the transferor may obtain and record confirmation from the Department, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State that the transferee is licensed to receive the radioactive material.

- e) Shipment and transport of radioactive material shall be in accordance with the provisions of 32 Ill. Adm. Code 341.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

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Section 330.900 Reciprocal Recognition of Licenses

- a) Licenses of Byproduct, Source and Special Nuclear Material in Quantities Not Sufficient to Form a Critical Mass:

- 1) Subject to this Part, any person who holds a specific license from the U.S. Nuclear Regulatory Commission or an Agreement State--and--issued--by--the--agency--having--jurisdiction--where--the--licensee--maintains--an--office--for--directing--the--licensed--activity--and--at--which--radiation--safety--records--are--normally--maintained; is hereby granted a general license to conduct the activities authorized in such licensing document within this State for a period not in excess of 180 days in any 12-month period provided that:

- A) A current copy of the licensing document is on file with the Department and activities authorized by such document are not limited to specified installations or locations;

- B) The out-of-state licensee notifies the Department by

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telephone, teletype, teletype, telegraph or letter prior to engaging in such activities. Such notification shall indicate the location, period and type of proposed possession and use within the State. If initial notification was by telephone, teletype or telegraph, the out-of-state licensee shall submit to the Department within ten 10 days following such telephone notification a teletype or letter which contains the above information. Upon receipt from the out-of-state licensee of a written request which contains a schedule of activities to be conducted within Illinois, the Department will waive the requirement for additional notifications of activities on that schedule during the remainder--of--the--calendar--year 12-month period following the receipt of the initial notification from a person engaging in activities under the general license provided in subsection (a)(1);

- C) The out-of-state licensee complies with 32 Ill. Adm. Code: Chapter 11 and with all the terms and conditions of the licensing document, except any such terms and conditions which may be inconsistent with 32 Ill. Adm. Code: Chapter 11;

- D) The out-of-state licensee supplies such other information as the Department may request; and

- E) The out-of-state licensee shall not transfer or dispose of radioactive material possessed or used under the general license provided in subsection (a)(1) above except by transfer to a person:

- i) Specifically licensed by the Department or by the U.S. Nuclear Regulatory Commission to receive such material; or
- ii) Exempt from the requirements for a license for such material under Section 330.40 (a).

- 2) Notwithstanding the provisions of subsection (a)(1) above, any person who holds a specific license issued by the U.S. Nuclear Regulatory Commission or an Agreement State authorizing the holder to manufacture, transfer, install or service a device described in Section 330.220 (b)(1) within areas subject to the jurisdiction of the licensing body is hereby granted a general license to install, transfer, demonstrate or service such a device in this State provided that:

- A) Such person shall file a report with the Department within thirty 30 days after the end of each calendar quarter in which any device is transferred to or installed in this State. Each such report shall identify each general licensee to whom such device is transferred by name and address, the type of device transferred and the quantity and--type radioactive material and activity of radioactive material contained in the device;

- B) The device has been manufactured, labeled, installed and

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served in accordance with applicable provisions of the specific license issued to such person by the U.S. Nuclear Regulatory Commission or an Agreement State;

- C) Such person shall assure that any labels required to be affixed to the device under regulations of the authority which that licensed manufacturer of the device bear a statement that "Removal of this label is prohibited"; and
- D) The holder of the specific license shall furnish to each general licensee to whom he transfers such--device or on whose premises he installs such a device a copy of the general license contained in Section 330.220 (b) or in equivalent regulations of the agency having jurisdiction over the manufacture and distribution of the device.
- 3) The Department may withdraw, limit or qualify its acceptance of any specific license or equivalent licensing document issued by a licensing--State the U.S. Nuclear Regulatory Commission or an Agreement State, or any product distributed pursuant to such licensing document, if the Department determines that had the individual been licensed in Illinois by the Department, the license would have been subject to action under Section 330.500 or 32 Ill. Adm. Code 310.90.

- b) Licenses of Naturally Occurring and Accelerator-Produced Radioactive Material:

1) Subject to this Part, any person who holds a specific license or equivalent authorization from a Licensing State--and--issued--by the--agency--having--jurisdiction--where--the--licensee--maintains--an office--for--directing--the--licensed--activity--and--at--which--radiation safety--records--are--normally--maintained is hereby granted a general license to conduct the activities authorized in such licensing document or equivalent authorization within this State for a period not in excess of 180 days in any 12-month period, provided that:

- A) A current copy of the licensing document or equivalent authorization is on file with the Department and the activities authorized by such document are not limited to specified installations or locations;
- B) The out-of-state licensee notifies the Department by telephone, telefacsimile, teletype or letter prior to engaging in such activities. Such notification shall indicate the location, period and type of proposed possession and use within the State. If initial notification was by telephone, telefacsimile or teletype, the out-of-state licensee shall submit to the Department within ten--t 10 days following such telephone notification a telegram--or letter which contains the above information. Upon receipt from the out-of-state licensee of a written request which contains a schedule of activities to be conducted within Illinois, the Department will waive the requirement for additional notifications of activities on

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that--schedule during the remainder--of--the--calendar--year 12-month period following the receipt of the initial notification from a person engaging in activities under the general license provided in subsection (a)(1);

- C) The out-of-state licensee complies with 32 Ill. Adm. Code: Chapter 11 and with all the terms and conditions of the licensing document or equivalent authorization, except any such terms and conditions which may be inconsistent with 32 Ill. Adm. Code: Chapter 11;
- D) The out-of-state licensee supplies any other information necessary to show compliance with 32 Ill. Adm. Code: Chapter 11; and
- E) The out-of-state licensee shall not transfer or dispose of radioactive material possessed or used under the general license provided in subsection (b)(1) above except by transfer to a person:
- Specifically licensed by the Department or by another Licensing State to receive such material; or
 - Exempt from the requirements for a license for such material under Section 330.40.

- 2) Notwithstanding the provisions of subsection (b)(1) above, any person who holds a specific license or equivalent authorization issued by a Licensing State authorizing the holder to manufacture, transfer, install, or service a device described in Section 330.220(b)(1) within areas subject to the jurisdiction of the licensing body is hereby granted a general license to install, transfer, demonstrator or service such a device in this State provided that:

A) Such person shall file a report with the Department within thirty--t 30 days after the end of each calendar quarter in which any device is transferred to or installed in this State. Each such report shall identify each general licensee to whom such device is transferred by name and address, the type of device transferred and the quantity--and type radionuclide and activity of radioactive material contained in the device;

B) The device has been manufactured, labeled, installed and serviced in accordance with applicable provisions of the specific license or equivalent authorization issued to such person by a Licensing State;

C) Such person shall assure that any labels required to be affixed to the device under regulations of the authority which that licensed or otherwise authorized manufacturer of the device bear a statement that "Removal of this label is prohibited"; and

D) The holder of the specific license or equivalent authorization shall furnish to each general licensee to whom he transfers such--device or on whose premises he installs such a device a copy of the general license contained in

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Section 330.220(b) or in equivalent regulations of the agency having jurisdiction over the manufacture and distribution of the device.

- 3) The Department may withdraw, limit, or qualify its acceptance of any specific license or equivalent ~~licensing~~ document authorization issued by a Licensing State, or any product distributed pursuant to such ~~licensing~~ document license, or equivalent authorization, if the Department determines that had the out-of-state licensee been licensed by Illinois, the licensee's license would have been subject to action under Section 330.500 or 32 Ill. Adm. Code 310.90.

(Source: Amended at 18 Ill. Reg. _____, effective _____, MAR 29 1994)

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SUBPART D: TRANSPORTATION (Repealed)

Section 330.APPENDIX A Exempt Concentrations

Element (atomic number)	Isotope	Column I		Column II	
		Gas Concentration (1) Bq./ml	microCi/ml	Liquid and Solid Concentration (2) Bq./ml	microCi/ml
Antimony (51)	Sb-122			1.11x10(1)	3X10(-4)
	Sb-124			7.40x10(0)	2X10(-4)
	Sb-125			3.70x10(1)	1X10(-3)
Argon (18)	Ar-37	3.70x10(1)	1X10(-3)		
	Ar-41	1.48x10(-2)	4X10(-7)		
Arsenic (33)	As-73			1.85x10(2)	5X10(-3)
	As-74			1.85x10(1)	5X10(-4)
	As-76			7.40x10(0)	2X10(-4)
	As-77			2.96x10(1)	8X10(-4)
Barium (56)	Ba-131			7.40x10(1)	2X10(-3)
	Ba-140			1.11x10(1)	3X10(-4)
Beryllium (4)	Be-7			7.40x10(2)	2X10(-2)
Bismuth (83)	Bi-206			1.48x10(1)	4X10(-4)
Bromine (35)	Br-82	1.48x10(-2)	4X10(-7)	1.11x10(2)	3X10(-3)
Cadmium (48)	Cd-109			7.40x10(1)	2X10(-3)
	Cd-115m			1.11x10(1)	3X10(-4)
	Cd-115			1.11x10(1)	3X10(-4)
Calcium (20)	Ca-45			3.33x10(0)	9X10(-5)
	Ca-47			1.85x10(1)	5X10(-4)
Carbon (6)	C-14	3.70x10(-2)	1X10(-6)	2.96x10(2)	8X10(-3)
Cerium (58)	Ce-141			3.33x10(1)	9X10(-4)
	Ce-143			1.48x10(1)	4X10(-4)
	Ce-144			3.70x10(0)	1X10(-4)
Cesium (55)	Cs-131			7.40x10(2)	2X10(-2)
	Cs-134m			2.22x10(1)	6X10(-2)
	Cs-134			3.33x10(0)	9X10(-5)
Chlorine (17)	Cl-38	3.33x10(-2)	9X10(-7)	1.48x10(2)	4X10(-3)

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Element (atomic number)	Isotope	Column I		Column II	
		Gas Concentration (1) Bq./ml	Liquid and Solid Concentration (2) Bq./ml	Gas Concentration (1) Bq./ml	Liquid and Solid Concentration (2) Bq./ml
Chromium (24)	Cr-51		$7.40 \times 10(2)$	$2 \times 10(-2)$	
Cobalt (27)	Co-57		$1.85 \times 10(2)$	$5 \times 10(-3)$	
	Co-58		$3.70 \times 10(1)$	$1 \times 10(-3)$	
	Co-60		$1.85 \times 10(1)$	$5 \times 10(-4)$	
Copper (29)	Cu-64		$1.11 \times 10(2)$	$3 \times 10(-3)$	
Dysprosium (66)	Dy-165		$1.48 \times 10(2)$	$4 \times 10(-3)$	
	Dy-166		$1.48 \times 10(1)$	$4 \times 10(-4)$	
Erbium (68)	Er-169		$3.33 \times 10(1)$	$9 \times 10(-4)$	
	Er-171		$3.70 \times 10(1)$	$1 \times 10(-3)$	
Europium (63)	Eu-152 (9.2 h)		$2.22 \times 10(1)$	$6 \times 10(-4)$	
	Eu-155		$7.40 \times 10(1)$	$2 \times 10(-3)$	
Fluorine (9)	F-18	$7.40 \times 10(-2)$	$2 \times 10(-6)$	$8 \times 10(-3)$	
Gadolinium (64)	Gd-153		$7.40 \times 10(1)$	$2 \times 10(-3)$	
	Gd-159		$2.96 \times 10(1)$	$8 \times 10(-4)$	
Gallium (31)	Ga-72		$1.48 \times 10(1)$	$4 \times 10(-4)$	
Germanium (32)	Ge-71		$7.40 \times 10(2)$	$2 \times 10(-2)$	
Gold (79)	Au-196		$7.40 \times 10(1)$	$2 \times 10(-3)$	
	Au-198		$1.85 \times 10(1)$	$5 \times 10(-4)$	
	Au-199		$7.40 \times 10(1)$	$2 \times 10(-3)$	
Hafnium (72)	Hf-181		$2.59 \times 10(1)$	$7 \times 10(-4)$	
Hydrogen (1)	H-3	$1.85 \times 10(-1)$	$5 \times 10(-6)$	$3 \times 10(-2)$	
Indium (49)	In-113m		$3.70 \times 10(2)$	$1 \times 10(-2)$	
	In-114m		$7.40 \times 10(0)$	$2 \times 10(-4)$	
Iodine (53)	I-126	$1.11 \times 10(-4)$	$7.40 \times 10(-1)$	$2 \times 10(-5)$	
	I-131	$1.11 \times 10(-4)$	$7.40 \times 10(-1)$	$2 \times 10(-5)$	
	I-132	$2.96 \times 10(-3)$	$2.22 \times 10(1)$	$6 \times 10(-4)$	

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Element (atomic number)	Isotope	Column I		Column II	
		Gas Concentration (1) Bq./ml	Liquid and Solid Concentration (2) Bq./ml	Gas Concentration (1) Bq./ml	Liquid and Solid Concentration (2) Bq./ml
Iridium (77)	Ir-190		$4.70 \times 10(-4)$	$1 \times 10(-8)$	$7 \times 10(-5)$
	Ir-192		$7.40 \times 10(-3)$	$2 \times 10(-7)$	$1 \times 10(-3)$
Iron (26)	Fe-55				$2.40 \times 10(1)$
	Fe-59				$1.48 \times 10(1)$
Krypton (36)	Kr-85m				$1.11 \times 10(1)$
	Kr-85				$2.96 \times 10(2)$
Lanthanum (57)	La-140				$2.22 \times 10(1)$
					$2.40 \times 10(0)$
Lead (82)	Pb-203				$1.48 \times 10(2)$
Lutetium (71)	Lu-177				$3.70 \times 10(1)$
Manganese (25)	Mn-52				$1.11 \times 10(1)$
	Mn-54				$3.70 \times 10(1)$
	Mn-56				$3.70 \times 10(1)$
Mercury (80)	Hg-197m				$7.40 \times 10(1)$
	Hg-197				$1.11 \times 10(2)$
	Hg-203				$7.40 \times 10(0)$
Molybdenum (42)	Mo-99				$7.40 \times 10(1)$
					$2.22 \times 10(1)$
Neodymium (60)	Nd-147				$1.11 \times 10(2)$
	Nd-149				$7.40 \times 10(1)$
Nickel (28)	Ni-65				$3.70 \times 10(1)$
Niobium (41)	Nb-95				$3.70 \times 10(1)$
					$3.33 \times 10(2)$
Osmium (76)	Os-185				$2.59 \times 10(1)$
	Os-191m				$1.11 \times 10(3)$
	Os-191				$7.40 \times 10(1)$

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Element (atomic number)	Isotope	Column I		Column II		Element (atomic number)	Isotope	Column I		Column II	
		Gas Concentration (1) Bg./ml microCi./ml	Liquid and Solid Concentration (2) Bg./ml microCi./ml	Gas Concentration (1) Bg./ml microCi./ml	Liquid and Solid Concentration (2) Bg./ml microCi./ml			Gas Concentration (1) Bg./ml microCi./ml	Liquid and Solid Concentration (2) Bg./ml microCi./ml		
Palladium (46)	Os-193		2.22x10(1)	6x10(-4)		Selenium (34)	Se-75		1.11x10(2)	3x10(-3)	
	Pd-103		1.11x10(2)	3x10(-3)		Silicon (14)	Si-31		3.33x10(2)	9x10(-3)	
	Pd-109		3.33x10(1)	9x10(-4)		Silver (47)	Ag-105		3.70x10(1)	1x10(-3)	
Phosphorus (15)	P-32		7.40x10(0)	2x10(-4)		Ag-110m			1.11x10(1)	3x10(-4)	
						Ag-111			1.48x10(1)	4x10(-4)	
Platinum (78)	Pt-191		3.70x10(1)	1x10(-3)		Sodium (11)	Na-24		7.40x10(1)	2x10(-3)	
	Pt-193m		3.70x10(2)	1x10(-2)		Strontium (38)	Sr-85		3.70x10(1)	1x10(-3)	
	Pt-197m		3.70x10(2)	1x10(-2)		Sr-89			3.70x10(0)	1x10(-4)	
	Pt-197		3.70x10(1)	1x10(-3)		Sr-91			2.59x10(1)	7x10(-4)	
Potassium (19)	K-42		1.11x10(2)	3x10(-3)		Sr-92			2.59x10(1)	7x10(-4)	
Praseodymium (59)	Pt-142		1.11x10(1)	3x10(-4)		Sulfur (16)	S-35	3.33x10(-3)	9x10(-8)	2.22x10(1)	6x10(-4)
	Pt-143		1.85x10(1)	5x10(-4)		Tantalum (73)	Ta-182		1.48x10(1)	4x10(-4)	
Promethium (61)	Pm-147		7.40x10(1)	2x10(-3)		Technetium (43)	Tc-96m		3.70x10(3)	1x10(-1)	
	Pm-149		1.48x10(1)	4x10(-4)		Tc-96			3.70x10(1)	1x10(-3)	
Rhenium (75)	Re-183		2.22x10(2)	6x10(-3)		Tellurium (52)	Te-125m		7.40x10(1)	2x10(-3)	
	Re-186		3.33x10(1)	9x10(-4)		Te-127m			2.22x10(1)	6x10(-4)	
	Re-188		2.22x10(1)	6x10(-4)		Te-127			1.11x10(2)	3x10(-3)	
Rhodium (45)	Rh-103m		3.70x10(3)	1x10(-1)		Te-129m			1.11x10(1)	3x10(-4)	
	Rh-105		3.70x10(1)	1x10(-3)		Te-131m			2.22x10(1)	6x10(-4)	
						Te-132			1.11x10(1)	3x10(-4)	
Rubidium (37)	Rb-86		2.59x10(1)	7x10(-4)		Terbium (65)	Tb-160		1.48x10(1)	4x10(-4)	
Ruthenium (44)	Ru-97		1.48x10(2)	4x10(-3)		Thallium (81)	Tl-200		1.48x10(2)	4x10(-3)	
	Ru-103		2.96x10(1)	8x10(-4)		Tl-201			1.11x10(2)	3x10(-3)	
	Ru-105		3.70x10(1)	1x10(-3)		Tl-202			3.70x10(1)	1x10(-3)	
	Ru-106		3.70x10(0)	1x10(-4)		Tl-204			3.70x10(1)	1x10(-3)	
Samarium (62)	Sm-153		2.96x10(1)	8x10(-4)		Thorium (90)	Th-170		1.85x10(1)	5x10(-4)	
						Th-171			1.85x10(2)	5x10(-3)	
Scandium (21)	Sc-46		1.48x10(1)	4x10(-4)		Tin (50)	Sn-113		3.33x10(1)	9x10(-4)	
	Sc-47		3.33x10(1)	9x10(-4)		Sn-125			7.40x10(0)	2x10(-4)	
	Sc-48		1.11x10(1)	3x10(-4)							

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Element (atomic number)	Isotope	Column 1		Column 11	
		Gas Concentration (1) Bg/ml	microCi/ml	Liquid and Solid Concentration (2) Bg/ml	microCi/ml
Tungsten (Wolfram) (74)	W-181			1.48x10(2)	4X10(-4)
	W-187			2.59x10(1)	7X10(-4)
Vanadium (23)	V-48			1.11x10(1)	3X10(-4)
Xenon (54)	Xe-131m	1.48x10(-1)	4X10(-6)		
	Xe-133	1.11x10(-1)	3X10(-6)		
	Xe-135	3.70x10(-2)	1X10(-6)		
Ytterbium (70)	Yb-175			3.70x10(1)	1X10(-3)
Yttrium (39)	Y-90			2.40x10(0)	2X10(-4)
	Y-91m			1.11x10(3)	3X10(-2)
	Y-91			1.11x10(1)	3X10(-4)
	Y-92			2.22x10(1)	6X10(-4)
Zinc (30)	Y-93			1.11x10(1)	3X10(-4)
	Zn-65			3.70x10(1)	1X10(-3)
	Zn-69m			2.59x10(1)	7X10(-4)
	Zn-69			2.40x10(2)	2X10(-2)
Zirconium (40)	Zr-95			2.22x10(1)	6X10(-4)
	Zr-97			2.40x10(0)	2X10(-4)
Beta - and/or gamma-emitting radioactive material not listed above with half-life of less than 3 years.				3.70x10(-6)	1X10(-10)
				3.70x10(2)	1X10(-6)

(1) Values are given in Column 1 only for those materials normally used as gases.

(2) Bq or microCi/g for solids.

NOTE 1: Many radioisotopes transform into isotopes which are also radioactive. In expressing the concentrations in this Appendix A7--of this part, the activity stated is that of the parent isotope and takes into account the daughters.

NOTE 2: For purposes of Section 330.40 where there is involved a combination of isotopes, the limit for the combination should be derived as follows: Determine for each isotope in the product the

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ratio between the radioactivity concentration present in the product and the exempt radioactivity concentration established in this Appendix A for the specific isotope when not in combination. The sum of such ratios may not exceed "1".

EXAMPLE: Concentration of Isotope A in Product + Exempt Concentration of Isotope A

Concentration of Isotope B in Product
Exempt Concentration of Isotope B

is
less
than or
equal
to 1

NOTE--It--to--convert--microCi--to--Si--units--of--megabecquerels--per--liter
multiply--the--above--values--by--37.

EXAMPLE:--Zirconium--(40)--Zr--97--(2x10(-4))--microCi--multiplied--by--37
is--equivalent--to--74--x--10(-4)--MBq/liter.

(Source: Amended at 18 Ill. Reg. _____, effective
MAR 29 1994)

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Section 330, APPENDIX B Exempt Quantities

Radioactive Material	Radioactive Material	kBq	Micro-curies microCi
Antimony-122	(Sb-122)	3,700	100
Antimony-124	(Sb-124)	370	10
Antimony-125	(Sb-125)	370	10
Arsenic-73	(As-73)	3,700	100
Arsenic-74	(As-74)	370	10
Arsenic-76	(As-76)	370	10
Arsenic-77	(As-77)	3,700	100
Barium-131	(Ba-131)	370	10
Barium-133	(Ba-133)	370	10
Barium-140	(Ba-140)	370	10
Bismuth-210	(Bi-210)	37	1
Bromine-82	(Br-82)	370	10
Cadmium-109	(Cd-109)	370	10
Cadmium-115m	(Cd-115m)	370	10
Cadmium-115	(Cd-115)	3,700	100
Calcium-45	(Ca-45)	370	10
Calcium-47	(Ca-47)	370	10
Carbon-14	(C-14)	3,700	100
Cerium-141	(Ce-141)	3,700	100
Cerium-143	(Ce-143)	3,700	100
Cerium-144	(Ce-144)	3,700	100
Cesium-129	(Cs-129)	37	1
Cesium-131	(Cs-131)	37,000	1,000
Cesium-134m	(Cs-134m)	3,700	100
Cesium-134	(Cs-134)	37	1
Cesium-135	(Cs-135)	370	10
Cesium-136	(Cs-136)	370	10
Cesium-137	(Cs-137)	370	10
Chlorine-36	(Cl-36)	370	10
Chlorine-38	(Cl-38)	370	10
Chromium-51	(Cr-51)	37,000	1,000
Cobalt-57	(Co-57)	3,700	100
Cobalt-58m	(Co-58m)	370	10
Cobalt-58	(Co-58)	370	10
Cobalt-60	(Co-60)	37	1
Copper-64	(Cu-64)	3,700	100
Dysprosium-165	(Dy-165)	370	10
Dysprosium-166	(Dy-166)	3,700	100
Erbium-169	(Er-169)	3,700	100
Erbium-171	(Er-171)	3,700	100
Eurpium-152	(Eu-152)(9.2yr)	3,700	100
Europium-152	(Eu-152)(13 yr)	37	1

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Radioactive Material	Radioactive Material	kBq	Micro-curies microCi
Europium-154	(Eu-154)	37	1
Europium-155	(Eu-155)	370	10
Fluorine-18	(F-18)	37,000	1,000
Gadolinium-153	(Gd-153)	370	10
Gadolinium-159	(Gd-159)	3,700	100
Gallium-67	(Ga-67)	3,700	100
Gallium-72	(Ga-72)	370	10
Germanium-68	(Ge-68)	370	10
Germanium-71	(Ge-71)	3,700	100
Gold-195	(Au-195)	370	10
Gold-198	(Au-198)	3,700	100
Gold-199	(Au-199)	3,700	100
Hafnium-181	(Hf-181)	370	10
Holmium-166	(Ho-166)	3,700	100
Hydrogen-3	(H-3)	37,000	1,000
Iodine-111	(I-111)	3,700	100
Iodine-113m	(I-113m)	3,700	100
Iodine-114m	(I-114m)	370	10
Iodine-115m	(I-115m)	3,700	100
Iodine-115	(I-115)	370	10
Iodine-123	(I-123)	3,700	100
Iodine-125	(I-125)	37	1
Iodine-126	(I-126)	37	1
Iodine-129	(I-129)	3,7	0.1
Iodine-131	(I-131)	37	1
Iodine-132	(I-132)	370	10
Iodine-133	(I-133)	37	1
Iodine-134	(I-134)	370	10
Iodine-135	(I-135)	370	10
Iridium-192	(Ir-192)	370	10
Iridium-194	(Ir-194)	3,700	100
Iron-52	(Fe-52)	370	10
Iron-55	(Fe-55)	3,700	100
Iron-59	(Fe-59)	370	10
Krypton-85	(Kr-85)	3,700	100
Krypton-87	(Kr-87)	370	10
Lanthanum-140	(La-140)	370	10
Lutetium-177	(Lu-177)	3,700	100
Manganese-52	(Mn-52)	370	10
Manganese-54	(Mn-54)	370	10
Manganese-56	(Mn-56)	370	10
Mercury-197m	(Hg-197m)	3,700	100
Mercury-197	(Hg-197)	3,700	100
Mercury-203	(Hg-203)	370	10

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Radioactive Material	Micro-curies microCi	Radon Active Material	Micro-curies microCi
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Molybdenum-99	3,700	Selenium-75	370
Neodymium-147	3,700	Silicon-31	3,700
Neodymium-149	3,700	Silver-105	370
Nickel-59	3,700	Silver-110m	37
Nickel-63	370	Silver-111	3,700
Nickel-65	3,700	Sodium-22	370
Niobium-93m	370	Sodium-24	370
Niobium-95	370	Strontium-85	370
Niobium-97	370	Strontium-89	37
Osmium-185	370	Strontium-90	37
Osmium-185	3,700	Strontium-91	370
Osmium-191m	3,700	Strontium-92	370
Osmium-191	3,700	Sulfur-35	3,700
Osmium-193	3,700	Tantalum-182	370
Palladium-103	3,700	Technetium-96	370
Palladium-109	3,700	Technetium-97m	3,700
Phosphorus-32	370	Technetium-97	3,700
Platinum-191	3,700	Technetium-99m	370
Platinum-193m	3,700	Technetium-99	370
Platinum-193	3,700	Tellurium-125m	370
Platinum-197m	3,700	Tellurium-127m	370
Platinum-197	3,700	Tellurium-127	370
Polonium-210	3,700	Tellurium-129m	370
Potassium-42	370	Tellurium-129	370
Potassium-43	370	Tellurium-131m	370
Praseodymium-142	3,700	Tellurium-132	370
Praseodymium-143	3,700	Terbium-160	370
Promethium-147	3,700	Thallium-200	3,700
Promethium-149	370	Thallium-201	3,700
Rhenium-186	370	Thallium-202	370
Rhenium-188	3,700	Thallium-204	370
Rhodium-103m	3,700	Thulium-170	370
Rhodium-105	3,700	Thulium-171	370
Rubidium-81	370	Tin-113	370
Rubidium-86	370	Tin-125	370
Rubidium-87	370	Tungsten-181	370
Ruthenium-97	3,700	Tungsten-185	370
Ruthenium-103	370	Tungsten-187	370
Ruthenium-105	370	Vanadium-48	370
Ruthenium-106	37	Xenon-131m	3,700
Samarium-151	370	Xenon-133	3,700
Samarium-153	3,700	Xenon-135	3,700
Scandium-46	370	Ytterbium-175	3,700
Scandium-47	3,700	Yttrium-87	370
Scandium-48	370		

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Radioactive Material	Micro-curies microCi	Radon Active Material	Micro-curies microCi
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Selenium-75	370	Selenium-75	370
Silicon-31	3,700	Silicon-31	3,700
Silver-105	370	Silver-105	370
Silver-110m	37	Silver-110m	37
Silver-111	3,700	Silver-111	3,700
Sodium-22	370	Sodium-22	370
Sodium-24	370	Sodium-24	370
Strontium-85	370	Strontium-85	370
Strontium-89	37	Strontium-89	37
Strontium-90	37	Strontium-90	37
Strontium-91	370	Strontium-91	370
Strontium-92	370	Strontium-92	370
Sulfur-35	3,700	Sulfur-35	3,700
Tantalum-182	370	Tantalum-182	370
Technetium-96	370	Technetium-96	370
Technetium-97m	3,700	Technetium-97m	3,700
Technetium-97	370	Technetium-97	370
Technetium-99m	370	Technetium-99m	370
Technetium-99	370	Technetium-99	370
Tellurium-125m	370	Tellurium-125m	370
Tellurium-127m	370	Tellurium-127m	370
Tellurium-127	370	Tellurium-127	370
Tellurium-129m	370	Tellurium-129m	370
Tellurium-129	370	Tellurium-129	370
Tellurium-131m	370	Tellurium-131m	370
Tellurium-132	370	Tellurium-132	370
Terbium-160	370	Terbium-160	370
Thallium-200	3,700	Thallium-200	3,700
Thallium-201	3,700	Thallium-201	3,700
Thallium-202	370	Thallium-202	370
Thallium-204	370	Thallium-204	370
Thulium-170	370	Thulium-170	370
Thulium-171	370	Thulium-171	370
Tin-113	370	Tin-113	370
Tin-125	370	Tin-125	370
Tungsten-181	370	Tungsten-181	370
Tungsten-185	370	Tungsten-185	370
Tungsten-187	370	Tungsten-187	370
Vanadium-48	370	Vanadium-48	370
Xenon-131m	3,700	Xenon-131m	3,700
Xenon-133	3,700	Xenon-133	3,700
Xenon-135	3,700	Xenon-135	3,700
Ytterbium-175	3,700	Ytterbium-175	3,700
Yttrium-87	370	Yttrium-87	370

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Radioactive Material	kBq	Microcuries microCi
Yttrium-88 (Y-88)	370	10
Yttrium-90 (Y-90)	370	10
Yttrium-91 (Y-91)	370	10
Yttrium-92 (Y-92)	3,700	100
Yttrium-93 (Y-93)	3,700	100
Zinc-65 (Zn-65)	370	10
Zinc-69m (Zn-69m)	3,700	100
Zinc-69 (Zn-69)	37,000	1,000
Zirconium-93 (Zr-93)	370	10
Zirconium-95 (Zr-95)	370	10
Zirconium-97 (Zr-97)	370	10
Any radioactive material not listed above other than alpha-emitting radioactive material	other 3.7	0.1

NOTE: To convert microcuries (μCi) to SI units of kilobecquerels (kBq), multiply the above values by 37.

EXAMPLE: Yttrium 91 (μCi) is multiplied by 37 is equivalent to 370 kBq.

(Source: Amended at 18 Ill. Reg. _____, effective MAR 29 1994)

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Section 330 APPENDIX D Limits for Broad Licenses (Section 330.27)

Radioactive Material	GBq		Ci		GBq		Ci	
	Column I	Column II	Column I	Column II	Column I	Column II	Column I	Column II
Antimony-122	37		1		0.37		0.01	
Antimony-124	37		1		0.37		0.01	
Antimony-125	37		1		0.37		0.01	
Arsenic-73	370		10		3.7		0.1	
Arsenic-74	37		1		0.37		0.01	
Arsenic-76	37		1		0.37		0.01	
Arsenic-77	370		10		3.7		0.1	
Barium-131	370		10		3.7		0.1	
Barium-140	37		1		0.37		0.01	
Beryllium-7	370		10		3.7		0.1	
Bismuth-210	3.7		0.1		0.037		0.001	
Bromine-82	370		10		3.7		0.1	
Cadmium-109	37		1		0.37		0.01	
Cadmium-115m	37		1		0.37		0.01	
Cadmium-115	370		10		3.7		0.1	
Calcium-45	37		1		0.37		0.01	
Calcium-47	370		10		3.7		0.1	
Calcium-48	3,700		100		37		1	
Cerium-141	370		10		3.7		0.1	
Cerium-143	370		10		3.7		0.1	
Cerium-144	3.7		0.1		0.037		0.001	
Cesium-131	3,700		100		37		1	
Cesium-134m	3,700		100		37		1	
Cesium-134	3.7		0.1		0.037		0.001	
Cesium-135	37		1		0.37		0.01	
Cesium-136	370		10		3.7		0.1	
Cesium-137	3.7		0.1		0.037		0.001	
Chlorine-36	37		1		0.37		0.01	
Chlorine-38	3,700		100		37		1	
Chromium-51	3,700		100		37		1	
Cobalt-57	370		10		3.7		0.1	
Cobalt-58m	3,700		100		37		1	
Cobalt-58	37		1		0.37		0.01	
Cobalt-60	3.7		0.1		0.037		0.001	
Copper-64	370		10		3.7		0.1	
Dysprosium-165	3,700		100		37		1	
Dysprosium-166	370		10		3.7		0.1	
Erbium-169	370		10		3.7		0.1	
Erbium-171	370		10		3.7		0.1	
Europium-152 (9.2 h)	370		10		3.7		0.1	

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Radioactive Material	GBq		Ci		GBq		Ci		GBq		Ci	
	Column I	Column II	Column I	Column II	Column I	Column II	Column I	Column II	Column I	Column II	Column I	Column II
Europium-152 (1J γ)	3.7	0.037	0.1	0.001	Nickel-59	370	10	3.7	0.1			
Europium-154	3.7	0.037	0.1	0.001	Nickel-63	37	1	0.37	0.01			
Europium-155	37	0.37	1	0.01	Nickel-65	370	10	3.7	0.1			
Fluorine-18	3,700	37	100	1	Niobium-93m	37	1	0.37	0.01			
Gadolinium-153	37	0.37	1	0.01	Niobium-95	37	1	0.37	0.01			
Gadolinium-159	370	3.7	10	0.1	Niobium-97	3,700	100	37	1			
Gallium-72	370	3.7	10	0.1	Osmium-185	37	1	0.37	0.01			
Germanium-71	3,700	37	100	1	Osmium-191	3,700	100	37	0.01			
Gold-198	370	3.7	10	0.1	Osmium-193	370	10	3.7	0.1			
Gold-199	370	3.7	10	0.1	Palladium-103	370	10	3.7	0.1			
Hafnium-181	37	0.37	1	0.01	Palladium-109	370	10	3.7	0.1			
Holmium-166	370	3.7	10	0.1	Phosphorus-32	370	10	3.7	0.1			
Hydrogen-3	3,700	37	100	1	Platinum-191	37	1	0.37	0.01			
Indium-113m	3,700	37	100	1	Platinum-193m	3,700	100	37	0.1			
Indium-114m	37	0.37	1	0.01	Platinum-193	370	10	3.7	0.1			
Indium-115m	3,700	37	100	1	Platinum-197m	3,700	100	37	0.1			
Iodine-115	37	0.37	1	0.01	Platinum-197	370	10	3.7	0.1			
Iodine-125	3.7	0.037	0.1	0.001	Polonium-210	0.37	0.01	0.0037	0.0001			
Iodine-126	3.7	0.037	0.1	0.001	Potassium-42	37	1	0.37	0.01			
Iodine-129	3.7	0.037	0.1	0.001	Praseodymium-142	370	10	3.7	0.1			
Iodine-131	3.7	0.037	0.1	0.001	Praseodymium-143	370	10	3.7	0.1			
Iodine-132	370	3.7	10	0.1	Promethium-147	37	1	0.37	0.01			
Iodine-133	37	0.37	1	0.01	Promethium-149	370	10	3.7	0.1			
Iodine-134	370	3.7	10	0.1	Radium-226	0.37	0.01	0.0037	0.0001			
Iodine-135	37	0.37	1	0.01	Rhenium-186	370	10	3.7	0.1			
Iridium-192	37	0.37	1	0.01	Rhenium-188	370	10	3.7	0.1			
Iridium-194	370	3.7	10	0.1	Rhodium-103m	37,000	1,000	37	10			
Iron-55	370	3.7	10	0.1	Rhodium-105	370	10	3.7	0.1			
Iron-59	37	0.37	1	0.01	Rubidium-86	37	1	0.37	0.01			
Krypton-85	3,700	37	100	1	Rubidium-87	37	1	0.37	0.01			
Lanthanum-140	370	3.7	10	0.1	Ruthenium-97	37	1	0.37	0.01			
Lutetium-177	37	0.37	1	0.01	Ruthenium-103	3,700	100	37	1			
Manganese-52	370	3.7	10	0.1	Ruthenium-105	37	1	0.37	0.01			
Manganese-54	37	0.37	1	0.01	Ruthenium-106	370	10	3.7	0.1			
Manganese-56	37	0.37	1	0.01	Samarium-151	37	1	0.37	0.01			
Mercury-197m	370	3.7	10	0.1	Samarium-153	370	10	3.7	0.1			
Mercury-197	370	3.7	10	0.1	Scandium-46	37	1	0.37	0.01			
Mercury-203	37	0.37	1	0.01	Scandium-47	370	10	3.7	0.1			
Molybdenum-99	370	3.7	10	0.1	Scandium-48	37	1	0.37	0.01			
Neodymium-147	370	3.7	10	0.1	Selenium-75	37	1	0.37	0.01			
Neodymium-149	370	3.7	10	0.1	Silicon-31	370	10	3.7	0.1			

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RADIOACTIVE-MATERIAL	GBq		Ci		GBq		Ci		GBq		Ci		GBq		Ci	
	Column I		Column II		Column I		Column II		Column I		Column II		Column I		Column II	

Silver-105	37	0.37	1	0.01	37	0.37	1	0.01	37	0.37	1	0.01	37	0.37	1	0.01
Silver-110m	3.7	0.037	0.1	0.001	3.7	0.037	0.1	0.001	3.7	0.037	0.1	0.001	3.7	0.037	0.1	0.001
Silver-111	370	3.7	10	0.1	370	3.7	10	0.1	370	3.7	10	0.1	370	3.7	10	0.1
Sodium-22	3.7	0.037	0.1	0.001	3.7	0.037	0.1	0.001	3.7	0.037	0.1	0.001	3.7	0.037	0.1	0.001
Sodium-24	37	0.37	1	0.01	37	0.37	1	0.01	37	0.37	1	0.01	37	0.37	1	0.01
Strontium-85m	37,000	370	1,000	10	370	3.7	10	0.1	370	3.7	10	0.1	370	3.7	10	0.1
Strontium-85	37	0.37	1	0.01	37	0.37	1	0.01	37	0.37	1	0.01	37	0.37	1	0.01
Strontium-89	37	0.37	1	0.01	37	0.37	1	0.01	37	0.37	1	0.01	37	0.37	1	0.01
Strontium-90	0.37	0.0037	0.01	0.0001	0.37	0.0037	0.01	0.0001	0.37	0.0037	0.01	0.0001	0.37	0.0037	0.01	0.0001
Strontium-91	370	3.7	10	0.1	370	3.7	10	0.1	370	3.7	10	0.1	370	3.7	10	0.1
Strontium-92	370	3.7	10	0.1	370	3.7	10	0.1	370	3.7	10	0.1	370	3.7	10	0.1
Sulfur-35	370	3.7	10	0.1	370	3.7	10	0.1	370	3.7	10	0.1	370	3.7	10	0.1
Tantalum-182	37	0.37	1	0.01	37	0.37	1	0.01	37	0.37	1	0.01	37	0.37	1	0.01
Technetium-96	370	3.7	10	0.1	370	3.7	10	0.1	370	3.7	10	0.1	370	3.7	10	0.1
Technetium-97m	370	3.7	10	0.1	370	3.7	10	0.1	370	3.7	10	0.1	370	3.7	10	0.1
Technetium-97	370	3.7	10	0.1	370	3.7	10	0.1	370	3.7	10	0.1	370	3.7	10	0.1
Technetium-99m	3,700	37	100	1	37	0.37	1	0.01	37	0.37	1	0.01	37	0.37	1	0.01
Technetium-99	37	0.37	1	0.01	37	0.37	1	0.01	37	0.37	1	0.01	37	0.37	1	0.01
Tellurium-125m	37	0.37	1	0.01	37	0.37	1	0.01	37	0.37	1	0.01	37	0.37	1	0.01
Tellurium-127m	37	0.37	1	0.01	37	0.37	1	0.01	37	0.37	1	0.01	37	0.37	1	0.01
Tellurium-127	370	3.7	10	0.1	370	3.7	10	0.1	370	3.7	10	0.1	370	3.7	10	0.1
Tellurium-129m	37	0.37	1	0.01	37	0.37	1	0.01	37	0.37	1	0.01	37	0.37	1	0.01
Tellurium-129	3,700	37	100	1	37	0.37	1	0.01	37	0.37	1	0.01	37	0.37	1	0.01
Tellurium-131m	370	3.7	10	0.1	370	3.7	10	0.1	370	3.7	10	0.1	370	3.7	10	0.1
Tellurium-132	37	0.37	1	0.01	37	0.37	1	0.01	37	0.37	1	0.01	37	0.37	1	0.01
Terbium-160	37	0.37	1	0.01	37	0.37	1	0.01	37	0.37	1	0.01	37	0.37	1	0.01
Thallium-200	370	3.7	10	0.1	370	3.7	10	0.1	370	3.7	10	0.1	370	3.7	10	0.1
Thallium-201	370	3.7	10	0.1	370	3.7	10	0.1	370	3.7	10	0.1	370	3.7	10	0.1
Thallium-202	370	3.7	10	0.1	370	3.7	10	0.1	370	3.7	10	0.1	370	3.7	10	0.1
Thallium-204	37	0.37	1	0.01	37	0.37	1	0.01	37	0.37	1	0.01	37	0.37	1	0.01
Thulium-170	37	0.37	1	0.01	37	0.37	1	0.01	37	0.37	1	0.01	37	0.37	1	0.01
Thulium-171	37	0.37	1	0.01	37	0.37	1	0.01	37	0.37	1	0.01	37	0.37	1	0.01
Tin-113	37	0.37	1	0.01	37	0.37	1	0.01	37	0.37	1	0.01	37	0.37	1	0.01
Tin-125	37	0.37	1	0.01	37	0.37	1	0.01	37	0.37	1	0.01	37	0.37	1	0.01
Tungsten-181	37	0.37	1	0.01	37	0.37	1	0.01	37	0.37	1	0.01	37	0.37	1	0.01
Tungsten-185	37	0.37	1	0.01	37	0.37	1	0.01	37	0.37	1	0.01	37	0.37	1	0.01
Tungsten-187	37	0.37	1	0.01	37	0.37	1	0.01	37	0.37	1	0.01	37	0.37	1	0.01
Vanadium-48	370	3.7	10	0.1	370	3.7	10	0.1	370	3.7	10	0.1	370	3.7	10	0.1
Xenon-131m	37,000	370	1,000	10	370	3.7	10	0.1	370	3.7	10	0.1	370	3.7	10	0.1
Xenon-133	37,000	370	100	1	37	0.37	100	1	37	0.37	100	1	37	0.37	100	1
Xenon-135	37,000	370	100	1	37	0.37	100	1	37	0.37	100	1	37	0.37	100	1
Ytterbium-175	37	0.37	10	0.1	37	0.37	10	0.1	37	0.37	10	0.1	37	0.37	10	0.1

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RADIOACTIVE-MATERIAL	GBq		Ci		GBq		Ci		GBq		Ci		GBq		Ci	
	Column I		Column II		Column I		Column II		Column I		Column II		Column I		Column II	

Yttrium-90	37	0.37	1	0.01	37	0.37	1	0.01	37	0.37	1	0.01	37	0.37	1	0.01
Yttrium-91	37	0.37	1	0.01	37	0.37	1	0.01	37	0.37	1	0.01	37	0.37	1	0.01
Yttrium-92	370	3.7	10	0.1	370	3.7	10	0.1	370	3.7	10	0.1	370	3.7	10	0.1
Yttrium-93	37	0.37	1	0.01	37	0.37	1	0.01	37	0.37	1	0.01	37	0.37	1	0.01
Zinc-65	37	0.37	1	0.01	37	0.37	1	0.01	37	0.37	1	0.01	37	0.37	1	0.01
Zinc-69m	370	3.7	10	0.1	370	3.7	10	0.1	370	3.7	10	0.1	370	3.7	10	0.1
Zinc-69	3,700	37	100	1	37	0.37	100	1	37	0.37	100	1	37	0.37	100	1
Zirconium-93	37	0.37	1	0.01	37	0.37	1	0.01	37	0.37	1	0.01	37	0.37	1	0.01
Zirconium-95	37	0.37	1	0.01	37	0.37	1	0.01	37	0.37	1	0.01	37	0.37	1	0.01
Zirconium-97	37	0.37	1	0.01	37	0.37	1	0.01	37	0.37	1	0.01	37	0.37	1	0.01
Any radioactive material other than source material, special nuclear material, or alpha emitting radioactive material not listed above.	3.7	0.037	0.1	0.001	3.7	0.037	0.1	0.001	3.7	0.037	0.1	0.001	3.7	0.037	0.1	0.001

NOTE: It is to convert curies (Ci) to SI units of gigabecquerels (GBq), multiply the above values by 37.

EXAMPLE: Zirconium-97 (Ci) = 0.01 Ci multiplied by 37 is equivalent to 0.37 GBq

(Source: Amended at 18 Ill. Reg. _____, effective _____)

MAR 29 1994

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Section 330. APPENDIX G Financial Surety Arrangements (Section 330.250 (c)(1)(D))

a) Surety Bond. - If an applicant or licensee elects to satisfy surety requirements of Section 330.250(c)(1) by filing a surety bond, that bond shall conform to the following requirements:

- 1) The surety company issuing the bond must shall, at a minimum, be among those listed as acceptable sureties or reinsurers on federal bonds in Circular 570 of the U.S. Department of Treasury, entitled "Surety Companies Acceptable On Federal Bonds", 52 Fed. Reg. 24601, revised as of July 1, 1987. A copy of this document is available for inspection at the Department of Nuclear Safety;
- 2) The wording of the surety bond must shall contain the provisions specified in subsection (1) of Section 330. Appendix H of this Part. Additional conditions may be agreed to between the applicant or licensee and the surety company so long as no requirement of this Part nor other required provision is avoided, or altered;
- 3) The surety bond guarantees that:
 - A) Funds will be available to perform reclaiming in accordance with 32 Ill. Adm. Code 340. Appendix E A to assure health and safety from radiation hazards and other requirements of the license for the facility whenever required by the Department;
 - B) Surety waives notification of amendments to licensees, applicable laws, statutes, rules and regulations and agrees that no such amendment shall in any way alleviate its obligation on the bond; and
 - C) The licensee will provide alternate financial surety as specified in Section 330.250(c)(1) and obtain the Division Chief's written approval of the assurance provided within ninety--t 90 days of receipt by both the licensee and the Division Chief of a notice of cancellation of the bond from the surety;

- 4) Under the terms of the bond the surety shall become liable on the bond obligation when the licensee fails to perform as guaranteed by the bond. Following a determination by the Division Chief that the licensee has failed to so perform, under the terms of the bond the surety shall perform reclaiming to the satisfaction of the State as guaranteed by the bond or shall forfeit the amount of the penal sum, as provided in Section 330.250(c)(1)(C);
- 5) The penal sum of the bond shall be in an amount at least adequate to provide the necessary financial surety;
- 6) Under the terms of the bond, the surety may cancel the bond by sending notice of cancellation by certified mail return receipt requested to the licensee and to the Division Chief. Cancellation shall not occur, however, during the 180 days beginning on the date of receipt of the notice of cancellation by both the licensee and the Division Chief, as evidenced by the

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return receipts:

- 7) The surety shall not be liable for the deficiency in the performance of reclaiming after the Division Chief has determined satisfactory reclaiming has occurred;
- 8) Licensee may terminate the bond by sending written notice to the surety, provided, however, that for such notice shall become effective until the surety receives written authorization from the Division Chief for the termination of the bond.
- b) Personal Bond Supported by a Letter of Credit. If an applicant or licensee elects to satisfy the surety requirements of Section 330.250(c)(1) by filing his personal performance guarantee accompanied by collateral in the form of an irrevocable standby letter of credit, he must shall guarantee funds to perform reclaiming in accordance with 32 Ill. Adm. Code 340. Appendix E A for protection of health and safety and other requirements of the license for the facility. In addition, the irrevocable standby letter of credit supporting this guarantee must shall conform to the following requirements:
 - 1) The institution issuing the letter of credit must shall be an entity which has the authority to issue letters of credit and whose letter of credit operations are regulated and examined by a Federal or Illinois agency;
 - 2) The wording of the letter of credit must shall contain the provisions specified in subsection (a)(2) of Section 330. Appendix H of this Part. Additional conditions may be agreed to between the applicant or licensee and the issuing institution so long as no requirement of this Part nor required provision is avoided or altered;
 - 3) The letter of credit must shall be accompanied by a letter from the licensee referring to the letter of credit by number, issuing institution and date and providing the following information: the radioactive material license number(s), name(s) and address(es) of the facility(ies) and the amount of funds for each license assured for reclaiming of the facility(ies) by the letter of credit;
 - 4) The letter of credit must shall be irrevocable and issued for a period of at least one 1 year. The letter of credit shall provide that the expiration date shall be automatically extended for a period of at least one 1 year unless, at least 180 days before the current expiration date, the issuing institution notifies both the licensee and the Division Chief by certified mail of a decision not to extend the expiration date. Under the terms of a letter of credit, the 180 days will begin on the date when both the licensee and the Division Chief have received the notice, as evidenced by the return receipts;
 - 5) The letter of credit must shall be issued in an amount at least adequate to provide the necessary financial surety; and
 - 6) The Director may draw on the letter of credit upon forfeiture as provided in Section 330.250(c)(1)(C). The Director may also draw on the letter of credit if the licensee does not establish

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alternate financial surety as specified in this Part and obtain written approval of such alternate assurance from the Division Chief within ninety (90) days after receipt by both the licensee and the Division Chief of a notice from the issuing institution that it has decided not to extend the letter of credit beyond the current expiration date. The Division Chief shall delay the drawing if the issuing institution grants an extension of the term of the credit. During the last thirty (30) days of any extension, the Director will draw on the letter of credit if the licensee has failed to provide alternate financial surety as specified in subsection Section 330.250(c)(1), and obtain written approval of such surety from the Division Chief.

- c) Personal Bond Supported by Insurance. If an applicant or licensee elects to satisfy the surety requirements of Section 330.250(c)(1) by filing his personal performance guarantee accompanied by collateral in the form of an insurance policy, he must shall guarantee funds sufficient to perform reclaiming in accordance with 32 Ill. Adm. Code. 340. Appendix E A for protection of health and safety and other requirements of the licensee for the facility. In addition, the insurance policy supporting this guarantee must shall conform to the following requirements:

- 1) The insurer must shall be licensed to transact the business of insurance or be eligible to provide insurance as an excess or surplus lines insurer;
- 2) The insurance policy shall be accompanied by a certificate of insurance in which the wording contains the provisions specified in subsection (3) of Section 330. Appendix H of ~~this Part~~. Additional conditions may be agreed to between the applicant or licensee and the insurer so long as no requirement of this Part nor required provision is avoided or altered;
- 3) The insurance policy must shall be for a face amount at least adequate to provide the necessary financial surety. The term "face amount" means the total amount the insurer is obligated to pay under the policy. Actual payments by the insurer shall not change the face amount, although the insurer's future liability shall be lowered by the amount of the payments;
- 4) The insurance policy must shall guarantee that funds will be available for reclaiming the facility whenever reclaiming is necessary as determined by the Division Chief;
- 5) Upon forfeiture of financial surety as provided in Section 330.250(c)(1)(C), the Director shall direct the insurer to pay the full face amount to the State as specified in Section 330.250(c)(1)(C);
- 6) The licensee shall maintain the policy in full force and effect until license termination or substitution of alternate financial surety as specified in Section 330.250(c)(1). Failure to pay the premium without substitution of alternate financial surety as specified in Section 330.250(c)(1) shall constitute a violation of this Part. Such violation shall be considered to begin upon

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receipt by the Division Chief of a notice of future cancellation, termination or failure to renew due to nonpayment of the premium, rather than upon the date of expiration;

- 7) The policy shall provide that the insurer shall not cancel, terminate or fail to renew the policy except for failure to pay the premium. The automatic renewal of the policy must shall, at a minimum, provide the insured with the option of renewal at the face amount of the expiring policy. If there is a failure to pay the premium, the insurer may elect to cancel, terminate or fail to renew the policy by sending notice by certified mail to the licensee and the Division Chief. Cancellation, termination or failure to renew may not occur, however, during the 180 days beginning with the date of receipt of the notice by both the Division Chief and the licensee, as evidenced by the return receipts. Cancellation, termination or failure to renew shall not occur and the policy shall remain in full force and effect in the event that on or before the date of expiration:

- A) The Division Chief considers the facility abandoned;
 - B) The license is terminated or revoked or renewal is denied;
 - C) Closure is ordered by the Director or a court of competent jurisdiction;
 - D) The licensee is named as debtor in a voluntary or involuntary proceeding under Title 11, U.S. Code (Bankruptcy); or
 - E) The premium due is paid.
- 8) Commencing on the date that liability to make payments pursuant to the policy accrues, the insurer will thereafter annually increase the face amount of the policy. Such increase must shall be equivalent to the face amount of the policy, less any payments made, multiplied by an amount equivalent to 85 percent of the most recent investment rate or of the equivalent coupon-issue yield announced by the U.S. Treasury for 26-week Treasury securities; and
- 9) Any provision of the policy inconsistent with any or all regulations in this Part will be deemed to be amended to eliminate such inconsistency.

- d) Personal Bond Supported by Securities. If an applicant or licensee elects to satisfy the surety requirements of Section 330.250(c)(1) by filing his personal performance guarantee accompanied by collateral in the form of securities, he must shall guarantee sufficient funds to perform reclaiming in accordance with 32 Ill. Adm. Code 340. Appendix E A for protection of health and safety and other requirements of the licensee(s) for the facility(ies). In addition, the securities supporting this guarantee must shall be fully registered as to principal and interest in such manner as to identify the State and the Department as holder of such collateral and also identifying that person filing such collateral. The securities shall be accompanied by a certificate whose wording contains the provisions specified in subsection (4) of Section 330. Appendix H, identifying the State and

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the Department as holder of such collateral and to also identify that person filing such collateral. These securities must shall have a current market value at least adequate to provide the necessary financial surety and must shall be included among the following types:

- 1) Negotiable United States Treasury securities assigned irrevocably to the State; or
 - 2) Negotiable general obligation municipal or corporate bonds which have at least an "A" rating by Moody's and/or Standard and Poor's rating services and which are assigned irrevocably to the State.
- e) Personal Bond Supported by Certificate of Deposit. If an applicant or licensee elects to satisfy the surety requirements of Section 330.250(c)(1) by filing his personal performance guarantee accompanied by a Certificate of Deposit in an amount at least adequate to provide necessary financial surety the irrevocable certificate of deposit supporting this guarantee must shall conform to the following requirements:

- 1) The institution issuing the certificate of deposit must shall be an entity which has the authority to issue certificates of deposit and whose certificate of deposit operations are regulated and examined by a Federal or State agency;
- 2) The certificate of deposit must shall be accompanied by a letter from the licensee referring to the certificate of deposit by number, issuing institution and date and providing the following information:

A) The radioactive material license number(s), name(s) and address(es) of the facility(ies) and the amount of funds assured for reclaiming of the facility(ies) by the certificate of deposit. Such certificate of deposit must shall also include a statement signed by an officer of the issuing financial institution which waives all rights of lien which the institution has or might have against the certificate;

B) This letter must shall contain the applicable provisions specified in subsection (5) of Section 330. Appendix H of this--Part. Additional provisions may be agreed to between the applicant or licensee and the issuing institution so long as no requirement of this Part or required provision is avoided or altered;

- 3) The certificate of deposit must shall be assigned irrevocably to the State and issued for a period of at least one 1 year. The certificate of deposit must shall provide that the expiration date will be automatically extended for a period of at least one 1 year unless, at least 180 days before the current expiration date, the issuing institution notifies both the licensee and the Division Chief by certified mail of a decision not to extend the expiration date. Under the terms of the certificate of deposit, the 180 days will begin on the date when both the licensee and the Division Chief have received the notice, as evidenced by the return receipts; and

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- 4) The Director may draw on the certificate of deposit upon forfeiture as provided in Section 330.250(c)(1)(C). The Director will also draw on the certificate of deposit if the licensee does not establish alternate financial surety as specified in this Part and obtain written approval of such alternate assurance from the Division Chief within ninety--t 90 days after receipt by both the licensee and the Division Chief of a notice from the issuing institution that it has decided not to extend the certificate of deposit beyond the current expiration date. The Director may delay the drawing if the issuing institution grants an extension of the term of the certificate of deposit. During the last thirty--t 30 days of any such extension, the Director will draw on the certificate of deposit if the licensee has failed to provide alternate financial surety as specified in this Part and obtain written approval of such surety from the Division Chief.

(Source: Amended at 18 Ill. Reg. _____, effective MAR 29 1994.)

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Section 330-APPENDIX H Wording of Financial Surety Arrangements (Section 330-250(c)(1)(E))

- 1) A surety bond guaranteeing funds for reclaiming, as specified in subsection (a) of Section 330-Appendix G of ~~this Part~~, must shall contain the following provisions except that the instructions in parentheses are to be replaced with the relevant information and the parentheses deleted:

SURETY BOND

Date bond executed: _____

Effective date: _____

Principal: (legal name and business address of applicant or licensee)

Type of organization: (insert "individual," "joint venture," "partnership" or "corporation")

State of incorporation: _____

Surety(ies): (Name(s) and business address(es))

License Number(s), name, address and reclaiming cost for each facility guaranteed by this bond: _____

Total penal sum of bond: \$ _____

Surety's bond number: _____

KNOW ALL PERSONS BY THESE PRESENTS, that we, the Principal and Surety(ies) hereto are firmly bound to the Illinois Department of Nuclear Safety, 1035 Outer Park Drive, Springfield, Illinois 62704, (hereinafter called Department), in the above penal sum for the payment of which we bind ourselves, our heirs, executors, administrators, successors and assigns jointly and severally; provided that, where the Surety(ies) are corporations acting as co-sureties, we, the Sureties, bind ourselves in such sum "jointly and severally" only for the purpose of allowing a joint action or actions against any or all of us, and for all other purposes each Surety binds itself, jointly and severally with the Principal, for the payment of such sum only as is set forth opposite the name of such Surety, but if no limit of liability is indicated, the limit of liability shall be the full amount of the penal sum.

WHEREAS said Principal is required, under the Radiation Protection Act of 1990, as amended, to have a license in order to

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receive, possess, store and use radioactive material at the facility identified above; and

WHEREAS said Principal is required to provide financial assurance for reclaiming as a condition of the license;

NOW, THEREFORE, the conditions of this obligation are such that if the Principal shall faithfully perform reclaiming, whenever required to do so, of each facility for which this bond guarantees funds for reclaiming, to the satisfaction of the Director, Illinois Department of Nuclear Safety, in accordance with acceptable practices for protection of health and safety pursuant to all applicable laws, statutes, rules and regulations, as such laws, statutes, rules and regulations may be amended.

OR, if the Principal shall provide alternate financial assurance as specified in Section 330-250(c)(1)(H), and obtain the written approval of such assurance from the Chief, Division of Radioactive Materials (hereinafter called the Division Chief), within ~~ninety~~ 90 days after the date notice of cancellation is received by both the Principal and the Division Chief from the surety(ies), then this obligation shall be null and void; otherwise, it is to remain in full force and effect.

The Surety(ies) shall become liable on this bond obligation only when the Principal has failed to fulfill the conditions described above.

Upon notification by the Division Chief that the Principal has been found in violation of the reclaiming requirements of the Department, for a facility for which this bond guarantees funds for performance of reclaiming, the Surety(ies) shall forfeit the reclaiming cost amount guaranteed for the facility to the Department as directed by the Director.

Upon notification by the Division Chief that the Principal has failed to provide alternate financial assurance as specified in Section 330-250(c)(1)(H), and obtain written approval of such assurance from the Division Chief during the ~~thirty~~ 30 days following receipt by both the Principal and the Director of a notice of cancellation of the bond, the Surety(ies) shall forfeit funds in the amount guaranteed for the facility(ies) to the Department as directed by the Director.

The Surety(ies) hereby waive(s) notification of amendments to licenses, applicable laws, statutes, rules and regulations and agree(s) that no such amendment shall in any way alleviate its (their) obligation on this bond.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED AMENDMENT(S)

The liability of the Surety(ies) shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall amount in the aggregate to the penal sum of the bond, but in no event shall the obligation of the Surety(ies) hereunder exceed the amount of said penal sum.

The Surety(ies) may cancel the bond by sending notice of cancellation by certified mail to the applicant or licensee and to the Division Chief; provided, however, that cancellation shall not occur during the 180 days beginning on the date of receipt of the notice of cancellation by both the Principal and the Division Chief, as evidenced by the return receipts.

The Principal may terminate this bond by sending written notice to the Surety(ies); provided, however, that no such notice shall become effective until the Surety(ies) receive(s) written authorization for termination of the bond by the Division Chief.

IN WITNESS WHEREOF, the Principal and Surety(ies) have executed this SURETY BOND and have affixed their seals on the date set forth above.

The persons whose signatures appear below hereby certify that they are authorized to execute this surety bond on behalf of the Principal and Surety(ies).

PRINCIPAL

(Signature(s))
(Name(s))
(Title(s))

Corporate seal:

CORPORATE SURETY(IES)

(Name and address)

State of incorporation: _____

Liability limit: \$ _____

(Signature(s))
(Name(s))
(Title(s))

Corporate seal:

(For every co-surety, provide signature(s), corporate seal and other information in the same manner as for the Surety above.)

Bond premium: \$ _____

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED AMENDMENT(S)

- 2) A letter of credit, as specified in subsection (b) of Section 330. Appendix G of this part, ~~must~~ shall contain the following provisions except that instructions in parentheses are to be replaced with the relevant information and the parentheses deleted:

IRREVOCABLE STANDBY LETTER OF CREDIT

Chief _____

Division of Radioactive Materials

Illinois Department of Nuclear Safety

Date: _____

Dear Sir or Madam:

We hereby establish our Irrevocable Standby Letter of Credit No. _____ in your favor, at the request and for the account of (applicant's or licensee's name and address) up to the aggregate amount of (in words) U.S. dollars \$ _____, available upon presentation of:

- A) your sight draft, bearing reference to this Letter of Credit No. _____ and

- B) your signed statement reading as follows: "I certify that the amount of the draft is payable pursuant to regulations issued under authority of the Illinois Radiation Protection Act of 1990, as amended."

This letter of credit is effective as of (date) and shall expire on (date at least 1 year later), but such expiration date shall be automatically extended for a period of (at least 1 year) on (date) and on each successive expiration date, unless, at least 180 days before the current expiration date, we notify both you and (applicant's or licensee's name) by certified mail that we have decided not to extend this letter of credit beyond the current expiration date. In the event you are so notified, any unused portion of the credit shall be available upon presentation or your sight draft for 180 days after the date of receipt by both you and (licensee's name), as shown on the signed return receipts.

Whenever this letter of credit is drawn on, under and in compliance with the terms of this credit, we shall duly honor such draft upon presentation to us, and we shall forfeit the amount of the draft to the State of Illinois in accordance with your instructions.

(Signature(s) and title(s) of official(s) of issuing institution)
(Date)

This credit is subject to (the most recent edition of the Uniform Customs and Practice for Documentary Credits, published by the International Chamber of Commerce, or the Uniform Commercial Code).

- 3) A certificate of insurance, as specified in subsection (c) of

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED AMENDMENT(S)

Section 330. Appendix G of ~~of this Part~~, **must** shall contain the following provisions except that instructions in parentheses are to be replaced with the relevant information and the parentheses deleted:

CERTIFICATE OF INSURANCE FOR RECLAIMING

Name and Address of Insurer
(herein called the "Insurer"):

Name and Address of Insured
(herein called the "Insured"):

Facilities covered: (List for each facility: The License Number, name, address and the amount of insurance for reclaiming (these amounts for all facilities covered **must** shall total the face amount shown below)).

Face Amount:

Policy Number:

Effective Date:

The Insurer hereby certifies that it has issued to the Insured the policy of insurance identified above to provide financial surety for reclaiming the facilities identified above. The Insurer further warrants that such policy conforms in all respects with the requirements of subsection (c) of Section 330. Appendix G of ~~of this Part~~, as applicable and as such regulations were constituted on the date shown immediately below. It is agreed that any provision of the policy inconsistent with such regulation is hereby amended to eliminate such inconsistency.

Whenever requested by the Chief, Division of Radioactive Materials, Illinois Department of Nuclear Safety, the Insurer agrees to furnish to the Chief, Division Radioactive Materials, a duplicate original of the policy listed above, including all endorsements thereon.

(Authorized signature for Insurer)

(Name of person signing)

(Title of person signing)

Signature of witness or notary:

(Date)

- 4) A personal bond supported by securities, as specified in subsection (d) of Section 330. Appendix G of ~~of this Part~~, **must** shall be accompanied by a document which contains the following provisions except that the instructions in parentheses are to be replaced with relevant information and the parentheses deleted:

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED AMENDMENT(S)

ASSIGNMENT OF SECURITIES

Pursuant to 32 Ill. Adm. Code 330.250(c), (licensee or applicant's name) hereby transfers (Dollars) (\$) in negotiable United States Treasury Securities unto Illinois Department of Nuclear Safety, including interest which thereby accrues, represented by Certificate No. (), herewith and does hereby agree that such securities shall be used for purposes of ensuring reclamation of (name of facility) site.

- b) A certificate of deposit, as specified in subsection (e) of Section 330. Appendix G of ~~of this Part~~, **must** shall contain the following provisions except that instructions in parentheses are to be replaced with the relevant information and the parentheses deleted:

Name and address of Bank

Certificate of Deposit _____, 19 ____
No. _____ \$ _____

(Licensee name and address) has deposited not subject to check (Dollars (\$) payable to the order of Illinois Department of Nuclear Safety, Chief, Division of Radioactive Materials, () days after notice in writing of intended withdrawal shall have been given to the bank and upon surrender of this certificate properly endorsed, with interest as herein provided.

This certificate shall be automatically renewed at maturity for successive periods of 1 year each. The bank reserves the right not to renew this certificate at the expiration of any 1 year's period upon mailing to the payee, at least 180 days prior to the expiration date, a notice of its election not to renew the certificate.

(Cashier)

Dated _____, 19 ____

(Licensee or Applicant)

Signature Guaranteed

By:

(Title)

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED AMENDMENT(S)

ASSIGNMENT OF CORPORATE OR MUNICIPAL BOND

Pursuant to 32 Ill. Adm. Code 340.250(c), (licensee or applicant's name) hereby transfers to Illinois Department of Nuclear Safety bonds of the (Corporation or Municipality's name) for () Dollars (\$), No. () herewith standing in the name of the undersigned on the books of said (Corporation or Municipality) and does hereby agree that such bonds shall be used for purposes of ensuring reclaiming of (name of facility) site.

Dated

, 19

(Licensee or Applicant)
Signature Guaranteed

By

(Title)

(Source: Amended at 18 Ill. Reg. effective
MAR 29 1994)

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

1) HEADING OF THE PART: Sport Fishing Regulations for the Waters of Illinois

2) CODE CITATION: 17 Ill. Adm. Code 810

3) SECTION NUMBERS: 810.45
EMERGENCY ACTION: Amendments

4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1-120, 1-125, 1-150, 5-5, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-45, 10-50, 10-60, 10-75, 10-90, 10-95, 15-50, 20-5, 20-35 and 25-5 of the Fish and Aquatic Life Code (Ill. Rev. Stat. 1991, ch. 56, pars. 1-120, 1-125, 1-150, 5-5, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-45, 10-60, 10-75, 10-90, 10-95, 15-50, 20-5, 20-35 and 25-5) [515 ILCS 5/1-120, 1-125, 1-150, 5-5, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-45, 10-50, 10-60, 10-75, 10-90, 10-95, 15-50, 20-5, 20-35 and 25-5]

5) EFFECTIVE DATE OF AMENDMENTS: MAR 25 1994

6) IF THIS EMERGENCY AMENDMENT IS TO EXPIRE BEFORE THE END OF THE 150-DAY PERIOD, PLEASE SPECIFY THE DATE ON WHICH IT IS TO EXPIRE: This emergency amendment will remain in effect for the 150-day period.

7) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: MAR 25 1994

8) REASON FOR EMERGENCY: To add four new Sites to 810.45: Site M Ponds #1, #2, #3 and #4, Mascoutah Reservoir, Peabody River King Pit #3 Lakes and Ponds and Mt. Olive (Old) Lake; and to change regulations at Cedar Lake, U.S. Forest Service and City of Carbondale.

9) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUES INVOLVED:

Biological and creel surveys conducted at Cedar Lake indicated that immediate action was necessary to improve, over the next three years, the growth rates for age 5 and younger bass as the current growth rates are slower than optimal to maintain balance. If immediate changes are not implemented, the lake may not continue to produce high quality bass angling in the future.

Mascoutah Reservoir receives heavy fishing pressure from the East St. Louis-Belleville areas and the bass population needs protection from being overharvested.

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

The 1993 stocking of bass at Mt. Olive (Old) Lake are presently around 9 inches in length. With normal growth, these fish will be around 11 to 13 inches in 1994 and will be extremely vulnerable to angling. If a 15 inch length limit is imposed, it will protect these fish for 1-2 more growing seasons and increase their value as predators on the slow growing panfish.

The Peabody River King, Pit #3, was recently acquired by the State. Regulations are needed to protect species which are especially vulnerable to angling pressure such as bass and crappie.

Small pounds on the recently purchased Site M have high visibility and will likely draw large crowds. Intensive fishing pressure is anticipated. In order to protect those ponds, restrictive limits are necessary.

10) ARE THERE ANY PROPOSED AMENDMENTS TO THIS PART PENDING? No

11) STATEMENT OF STATEWIDE POLICY OBJECTIVES (if applicable):

12) INFORMATION AND QUESTIONS REGARDING THESE AMENDMENTS SHALL BE DIRECTED TO:

Jack Price
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

THE FULL TEXT OF THE EMERGENCY AMENDMENTS BEGINS ON THE NEXT PAGE:

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 810

SPORT FISHING REGULATIONS FOR THE WATERS OF ILLINOIS

Section
810.10
810.20
810.30
810.35
810.37
810.40
810.45
EMERGENCY
810.50
810.60
810.70
810.80
810.90
810.100

Sale of Fish and Fishing Seasons
Snagging
Pole and Line Fishing Only (Repealed)
Statewide Sportfishing Regulations - Daily Catch and Size Limits
Definitions for Site Specific Sportfishing Regulations
Daily Catch and Size Limits (Repealed)
Site Specific Water Area Regulations

Bait Fishing
Bulfrogs
Free Fishing Days
Emergency Protective Regulations
Fishing Tournament Permit
Bed Protection

AUTHORITY: Implementing and authorized by Sections 1-120, 1-125, 1-150, 5-5, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-45, 10-50, 10-60, 10-75, 10-90, 10-95, 15-50, 20-5, 20-35 and 25-5 of the Fish and Aquatic Life Code (Ill. Rev. Stat. 1991, ch. 56, pars. 1-120, 1-125, 1-150, 5-5, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-45, 10-50, 10-60, 10-75, 10-90, 10-95, 15-50, 20-5, 20-35 and 25-5) [515 ILCS 5/1-120, 1-125, 1-150, 5-5, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-45, 10-50, 10-60, 10-75, 10-90, 10-95, 15-50, 20-5, 20-35 and 25-5]

SOURCE: Adopted at 5 Ill. Reg. 751, effective January 8, 1981; codified at 5 Ill. Reg. 10647; amended at 6 Ill. Reg. 342, effective December 23, 1981; amended at 6 Ill. Reg. 7411, effective June 11, 1982; amended at 7 Ill. Reg. 209, effective December 22, 1982; amended at 8 Ill. Reg. 1564, effective January 23, 1984; amended at 8 Ill. Reg. 16769, effective August 30, 1984; amended at 9 Ill. Reg. 2916, effective February 26, 1985; emergency amendments at 9 Ill. Reg. 3825, effective March 13, 1985, for a maximum of 150 days; emergency expired August 10, 1985; amended at 9 Ill. Reg. 6181, effective April 24, 1985; amended at 9 Ill. Reg. 14291, effective September 5, 1985; amended at 10 Ill. Reg. 4835, effective March 6, 1986; amended at 11 Ill. Reg. 4638, effective March 10, 1987; amended at 12 Ill. Reg. 5306, effective March 8, 1988; emergency amendments at 12 Ill. Reg. 6981, effective April 4, 1988, for a maximum of 150 days; emergency expired September 1, 1988; emergency amendments at 12 Ill. Reg. 10525, effective June 7, 1988, for a maximum of 150 days; emergency expired November 4, 1988; amended at 12 Ill. Reg. 15982, effective September 27, 1988; amended at 13 Ill. Reg. 8419, effective May 19, 1989; emergency amendments at 13 Ill. Reg. 12643, effective July 14, 1989, for a maximum of 150 days; emergency expired December 11, 1989; emergency amendments at 13 Ill. Reg. 14085, effective September 4, 1989, for a maximum of 150 days; emergency expired February 1, 1990; emergency amendments at 13 Ill. Reg. 15118, effective September 11, 1989, for a maximum of 150 days; emergency expired February 8, 1990; amended at 14 Ill. Reg. 6164, effective April 17, 1990; emergency amendments at 14 Ill. Reg. 6863, effective April 17, 1990, for a maximum of 150 days; emergency expired September 19, 1990; amended at 14 Ill. Reg.

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

8588, effective May 21, 1990; amended at 14 Ill. Reg. 18863, effective October 1, 1990; amended at 15 Ill. Reg. 4699, effective March 18, 1991; emergency amendments at 15 Ill. Reg. 5430, effective March 27, 1991 for a maximum of 150 days; emergency expired August 24, 1991; amended at 15 Ill. Reg. 9977, effective June 24, 1991; amended at 15 Ill. Reg. 13347, effective September 3, 1991; amended at 16 Ill. Reg. 5267, effective March 20, 1992; emergency amendments at 16 Ill. Reg. 6016, effective March 25, 1992, for a maximum of 150 days; emergency expired August 22, 1992; amended at 16 Ill. Reg. 12526, effective July 28, 1992; amended at 17 Ill. Reg. 3853, effective March 15, 1993; emergency amendments at 17 Ill. Reg. 5915, effective March 25, 1993, for a maximum of 150 days; emergency expired August 22, 1993; amended at 17 Ill. Reg. 10806, effective July 1, 1993; amended at 18 Ill. Reg. 3277, effective February 28, 1994; emergency amendments at 18 Ill. Reg. _____, effective MAR 25 1994 for a maximum of 150 days.

Section 810.45 Site Specific Water Area Regulations EMERGENCY

Fishing regulations, including species of fish, fishing methods and daily catch limits are listed for each water area. The numbers in parenthesis refer to the corresponding numbered definitions in Section 810.37 of this Part. If a water area is not listed or if a specific species is not listed, then state-wide restrictions apply. Check the bulletin boards at the specific site for any emergency changes to regulations.

Allison Lake, City of Allison Logan County	All Fish	-	2 Pole and Line Fishing Only (1)
	Channel Catfish	-	6 Fish Daily Creel Limit
Anderson Lake Fish and Wildlife Area Fulton County			
(Unlawful to trespass upon designated waterfowl hunting area 7 days prior to the waterfowl season and on areas designated as waterfowl refugees from October 10 until the end of the waterfowl season)			
Andover Lake, City of Andover Henry County	All Fish	-	2 Pole and Line Fishing Only (1)
	Channel Catfish	-	6 Fish Daily Creel Limit
Apple River (within the boundaries of Apple River Canyon State Park) Jo Daviess County	Smallmouth Bass	-	14" Minimum Length Limit
	Smallmouth Bass	-	1 Fish Daily Creel Limit
	Trout	-	Spring Closed Season (11)
Argyle Lake, Argyle Lake State Park McDonough County	All Fish	-	2 Pole and Line Fishing Only (1)
	Channel Catfish	-	6 Fish Daily Creel Limit
	Large or Smallmouth Bass (14)	-	1 Fish > 15" &/or 5 < 12" Daily (12)
	Trout	-	Fall Closed Season (10)
	Walleye, Sauger, or Hybrid	-	

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

Walleye	-	14" Minimum Length Limit
Ashland City Reservoir, City of Ashland Cass County		
All Fish	-	2 Pole and Line Fishing Only (1)
Channel Catfish	-	6 Fish Daily Creel Limit
Large or Smallmouth Bass	-	15" Minimum Length Limit
Ashley Reservoir, City of Ashley Washington County		
All Fish	-	2 Pole and Line Fishing Only (1)
Channel Catfish	-	6 Fish Daily Creel Limit
Large or Smallmouth Bass	-	15" Minimum Length Limit
Auburn Park Lagoon, Chicago Park District Cook County		
All Fish	-	2 Pole and Line Fishing Only (1)
Channel Catfish	-	6 Fish Daily Creel Limit
Axehead Lake, Cook County Forest Preserve Cook County		
Trout	-	Fall Closed Season (10)
Baker Lake, City of Peru LaSalle County		
All Fish	-	2 Pole and Line Fishing Only (1)
Bluegill or Redear Sunfish	-	10 Fish Daily Creel Limit
Channel Catfish	-	6 Fish Daily Creel Limit
Large or Smallmouth Bass	-	14" Minimum Length Limit
Large or Smallmouth Bass (14)	-	1 Fish Daily Creel Limit
Baldwin Lake, Baldwin Lake Conservation Area Randolph County		
All Fish	-	2 Pole and Line Fishing Only (1)(28)
Large or Smallmouth Bass	-	18" Minimum Length Limit
Striped, White, or Hybrid	-	
Striped Bass	-	17" Minimum Length Limit
Striped, White, or Hybrid	-	
Striped Bass (16)	-	3 Fish Daily Creel Limit
White, Black, or Hybrid	-	
Crappie (15)	-	25 Fish Daily Creel Limit
White, Black, or Hybrid	-	
Crappie	-	9" Minimum Length Limit
Banana Lake, Lake County Forest Preserve District Lake County		
All Fish	-	2 Pole and Line Fishing Only (1)
Channel Catfish	-	6 Fish Daily Creel Limit

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit
 Large or Smallmouth Bass - 15" Minimum Length Limit
 Trout - Fall Closed Season (10)

Banner Marsh Lake & Ponds, Banner Marsh State Fish and Wildlife Area
 Peoria Fulton Counties

All Fish - 2 Pole and Line Fishing Only (1)(7)
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit
 Large or Smallmouth Bass - 14" Minimum Length Limit
 Walleye, Sauger, or Hybrid
 Walleye - 14" Minimum Length Limit

Batchtown Wildlife Management Area

Calhoun County

(Unlawful to trespass upon designated waterfowl hunting areas during the 3 days prior to the waterfowl season)

Baumann Park Lake, City of Cherry Valley

Winnebago County

All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 14" Minimum Length Limit
 Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit

Beall Woods Lake, Beall Woods Conservation Area

Wabash County

All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 15" Minimum Length Limit
 Trout - Fall Closed Season (10)

Beaver Dam Lake, Beaver Dam State Park

Macoupin County

All Fish - 2 Pole and Line Fishing Only (1)
 Bluegill or Redear Sunfish (14) - 25 Fish Daily Creel Limit
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 15" Minimum Length Limit
 Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit
 Trout - Fall Closed Season (10)

White, Black, or Hybrid

Crappie (15)

White, Black, or Hybrid

Crappie

9" Minimum Length Limit

Beck Lake, Cook County Forest Preserve District

Cook County

All Fish

- 2 Pole and Line Fishing Only (1)

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

Channel Catfish - 6 Fish Daily Creel Limit
 Walleye, Sauger, or Hybrid
 Walleye - 18" Minimum Length Limit

Belleau Lake, Cook County Forest Preserve District

Cook County

Trout

- Fall Closed Season (10)

Bird Park Quarry, City of Kankakee

Kankakee County

Trout

- Fall Closed Season (10)

Trout

- Spring Closed Season (11)

Borah Lake, City of Olney

Richland County

All Fish

- 2 Pole and Line Fishing Only (1)

Channel Catfish

- 6 Fish Daily Creel Limit

Large or Smallmouth Bass

- 14" Minimum Length Limit

Boston Pond, Stephen A. Forbes State Park

Marion County

Trout

- Fall Closed Season (10)

Trout

- Spring Closed Season (11)

Braidwood-Mazonia Lakes and Ponds, Mazonia-Braidwood State Fish and Wildlife Area

Grundy/Will County

(Unlawful to fish or trespass upon the designated waterfowl hunting areas or refuge beginning 2 weeks prior to the waterfowl season until the end of the waterfowl season at Mazonia Fish and Wildlife Area. Braidwood Lake is closed to all fishing and boat traffic from 2 weeks prior to duck season through the day before duck season and is closed to all fishing during waterfowl season commencing with duck season)

All Fish

- 2 Pole and Line Fishing Only (1)

Channel Catfish

- 6 Fish Daily Creel Limit

Large or Smallmouth Bass

- 15" Minimum Length Limit

Large or Smallmouth Bass (14)

- 3 Fish Daily Creel Limit

Striped, White, or Hybrid

- 17" Minimum Length Limit

Striped Bass

- 15" Minimum Length Limit

Striped, White, or Hybrid

- 3 Fish Daily Creel Limit

Striped Bass (16)

- 14" Minimum Length Limit

Walleye, Sauger, or Hybrid

- 10 Fish Daily Creel Limit

Walleye

- 10 Fish Daily Creel Limit

White, Black, or Hybrid

Crappie (15)

Buckner City Reservoir, City of Buckner

Franklin County

All Fish

- 2 Pole and Line Fishing Only (1)

Channel Catfish

- 6 Fish Daily Creel Limit

DEPARTMENT OF CONSERVATION

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Bunker Hill Lake, City of Bunker Hill Macoupin County	- 2 Pole and Line Fishing Only (1)
All Fish	- 6 Fish Daily Creel Limit
Channel Catfish	
Burrells Wood Park Pond White County	- 6 Fish Daily Creel Limit
Channel Catfish	
Busse Lake, Cook County Forest Preserve Cook County	- 2 Pole and Line Fishing Only (1)
All Fish	- 6 Fish Daily Creel Limit
Channel Catfish	- 14" Minimum Length Limit
Large or Smallmouth Bass	
Walleye, Sauger, or Hybrid	- 18" Minimum Length Limit
Walleye	
Calhoun Point Wildlife Management Area Calhoun County	(Unlawful to trespass upon designated waterfowl hunting area during the 3 days prior to the waterfowl season)
Campus Pond - Eastern Illinois University, State of Illinois Coles County	- Fall Closed Season (10)
Trout	- Spring Closed Season (11)
Trout	
Canton Lake, City of Canton Fulton County	- 2 Pole and Line Fishing Only (1)
All Fish	- 6 Fish Daily Creel Limit
Channel Catfish	- 15" Minimum Length Limit
Large or Smallmouth Bass	- 3 Fish Daily Creel Limit
Large or Smallmouth Bass (16)	
Carlyle Lake (20), U.S. Army Corps of Engineers Clinton County	(Unlawful to enter subinupondment area during the 3 days prior to the opening of waterfowl hunting season. No one may enter the subinupondment area before 4:30 a.m. each day of the waterfowl hunting season and no one may remain in the area after 3:00 p.m. each day of the waterfowl hunting season)
Large or Smallmouth Bass	- 14" Minimum Length Limit
Large or Smallmouth Bass	
Walleye, Sauger, or Hybrid	- 14" Minimum Length Limit
Walleye	
White, Black, or Hybrid	- 10 Fish Daily Creel Limit
Crappie (15)	
White, Black, or Hybrid	- 10" Minimum Length Limit
Crappie	
Carthage Lake, City of Carthage	

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

Hancock County Channel Catfish	- 6 Fish Daily Creel Limit
Cave-in-Rock State Park Pond, Cave-in-Rock State Park Hardin County	- Fall Closed Season (10)
Trout	- Spring Closed Season (11)
Trout	
Cedar Lake, U.S. Forest Service and City of Carbondale Jackson County	- 2 Pole and Line Fishing Only (1)
All Fish	- 15" Minimum Length Limit 14"-18" Protected Slot Length Limit (no possession)
Large or Smallmouth Bass	- 2 Fish Under 14" and 2 Fish Over 18" Daily Creel Limit
Large or Smallmouth Bass	
Striped, White, or Hybrid	- 17" Minimum Length Limit
Striped Bass	
Striped, White, or Hybrid	- 3 Fish Daily Creel Limit
Striped Bass (16)	
Walleye, Sauger, or Hybrid	- 14" Minimum Length Limit
Walleye	
Centralia Lake, City of Centralia Marion County	- 15" Minimum Length Limit
Large or Smallmouth Bass	
Charleston Lower Channel Lake, City of Charleston Coles County	- 2 Pole and Line Fishing Only (1)
All Fish	
Charleston Side Channel Lake, City of Charleston Coles County	- 2 Pole and Line Fishing Only (1)
All Fish	- 6 Fish Daily Creel Limit
Channel Catfish	- 14" Minimum Length Limit
Large or Smallmouth Bass	
Striped, White, or Hybrid	- 17" Minimum Length Limit
Striped Bass	
Striped, White, or Hybrid	- 3 Fish Daily Creel Limit
Striped Bass (16)	
Charlie Brown Lake & Pond, City of Flora Clay County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 14" Minimum Length Limit
Citizen's Lake, State of Illinois Warren County	- 2 Pole and Line Fishing Only (1)
All Fish	

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

Bluegill or Redear Sunfish (14)	-	10 Fish Daily Creel Limit
Channel Catfish	-	6 Fish Daily Creel Limit
Large or Smallmouth Bass	-	14" Minimum Length Limit
Large or Smallmouth Bass (14)	-	3 Fish Daily Creel Limit
Trout	-	Fall Closed Season (10)
Clear Lake, Kickapoo State Park		
Vermilion County		
Trout	-	Fall Closed Season (10)
Trout	-	Spring Closed Season (11)
Clinton Lake, Clinton Lake State Recreation Area		
DeWitt County		
All Fish	-	2 Pole and Line Fishing Only (1)(18)
Large or Smallmouth Bass	-	14" Minimum Length Limit
Striped, White, or Hybrid	-	17" Minimum Length Limit
Striped Bass	-	17" Minimum Length Limit
Striped, White, or Hybrid	-	17" Minimum Length Limit
Striped Bass (16)	-	3 Fish Daily Creel Limit
Walleye or Sauger	-	14" Minimum Length Limit
White, Black, or Hybrid	-	14" Minimum Length Limit
Crappie (15)	-	15 Fish Daily Creel Limit
White, Black, or Hybrid	-	15 Fish Daily Creel Limit
Crappie	-	9" Minimum Length Limit
Coffeen Lake, Coffeen Lake State Fish and Wildlife Area		
Montgomery County		
Large or Smallmouth Bass	-	15" Minimum Length Limit
Large or Smallmouth Bass (14)	-	3 Fish Daily Creel Limit
White, Black, or Hybrid	-	10 Fish Daily Creel Limit
Crappie (15)	-	10 Fish Daily Creel Limit
White, Black, or Hybrid	-	10 Fish Daily Creel Limit
Crappie	-	9" Minimum Length Limit
Coles County Airport Lake, Coles County Airport		
Coles County		
All Fish	-	2 Pole and Line Fishing Only (1)
Channel Catfish	-	6 Fish Daily Creel Limit
Large or Smallmouth Bass	-	14" Minimum Length Limit
Coleta Trout Pond, State of Illinois		
Whiteside County		
Trout	-	Fall Closed Season (10)
Trout	-	Spring Closed Season (11)
Columbus Park Lagoon, Chicago Park District		
Cook County		
All Fish	-	2 Pole and Line Fishing Only (1)

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

Channel Catfish	-	6 Fish Daily Creel Limit
Cook Co. F.P.D. Lakes, Cook County Forest Preserve District		
Cook County		
All Fish	-	2 Pole and Line Fishing Only (1)
Large or Smallmouth Bass	-	14" Minimum Length Limit
Coulterville City Lake, City of Coulterville		
Randolph County		
All Fish	-	2 Pole and Line Fishing Only (1)
Channel Catfish	-	6 Fish Daily Creel Limit
Crab Orchard National Wildlife Refuge - Crab Orchard Lake, U.S. Fish and Wildlife Service		
Williamson County		
All Fish	-	2 Pole and Line Fishing Only (1)(4)
Striped, White, or Hybrid	-	10 Creel/3 Fish 17" or Longer Daily (17)
Striped Bass (16)	-	15" Minimum Length Limit
Large or Smallmouth Bass	-	15" Minimum Length Limit
Crab Orchard National Wildlife Refuge - Devil's Kitchen Lake, U.S. Fish and Wildlife Service		
Williamson County		
All Fish	-	2 Pole and Line Fishing Only (1)
Crab Orchard National Wildlife Refuge - Little Grassy Lake, U.S. Fish and Wildlife Service		
Williamson County		
All Fish	-	2 Pole and Line Fishing Only (1)
Channel Catfish	-	6 Fish Daily Creel Limit
Large or Smallmouth Bass	-	12-15" Slot Length Limit (3)
Crab Orchard National Wildlife Refuge - Refuge Ponds (except Visitor Pond), U.S. Fish and Wildlife Service		
Williamson County		
All Fish	-	2 Pole and Line Fishing Only (1)
Large or Smallmouth Bass	-	15" Minimum Length Limit
Crab Orchard National Wildlife Refuge - Visitor Pond, U.S. Fish and Wildlife Service		
Williamson County		
All Fish (30)	-	2 Pole and Line Fishing Only (1)
Large or Smallmouth Bass	-	21" Minimum Length Limit
Crawford Co. Cons. Area - Picnic Pond, Crawford County Conservation Area		
Crawford County		
Trout	-	Fall Closed Season (10)
Crawford Co. Cons. Area Ponds, Crawford County Conservation Area		
Crawford County		
All Fish	-	2 Pole and Line Fishing Only (1)
Channel Catfish	-	6 Fish Daily Creel Limit

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

Large or Smallmouth Bass	-	15" Minimum Length Limit
Crull Impoundment Wildlife Management Area		
Jersey County		
(Unlawful to trespass upon designated waterfowl hunting area 7 days prior to the waterfowl season and on areas designated as waterfowl refugees from October 10 until the end of the waterfowl season)		
Dawson Lake & Park Ponds, Moraine View State Park		
McLean County	-	2 Pole and Line Fishing Only (1)
All Fish	-	25 Fish Daily Creel Limit
Bluegill or Redear Sunfish (14)	-	6 Fish Daily Creel Limit
Channel Catfish	-	15" Minimum Length Limit
Large or Smallmouth Bass	-	15" Minimum Length Limit
Walleye, Sauger, or Hybrid	-	14" Minimum Length Limit
Walleye	-	14" Minimum Length Limit
White, Black or Hybrid Crappie	-	9" Minimum Length Limit
White, Black or Hybrid	-	15 Fish Daily Creel Limit
Crappie (15)	-	15 Fish Daily Creel Limit
Decatur Park District Ponds, City of Decatur		
Macon County	-	2 Pole and Line Fishing Only (1)
All Fish	-	6 Fish Daily Creel Limit
Channel Catfish	-	
Defiance Lake, Moraine Hills State Park		
McHenry County	-	2 Pole and Line Fishing Only (1)
All Fish	-	6 Fish Daily Creel Limit
Channel Catfish	-	14" Minimum Length Limit
Large or Smallmouth Bass	-	3 Fish Daily Creel Limit
Large or Smallmouth Bass (14)	-	
Dixon Springs Ag. Center Pond, Dixon Springs Ag. Center		
Pope County	-	Fall Closed Season (10)
Trout	-	Spring Closed Season (11)
Trout	-	
Dolan Lake, Hamilton County Conservation Area		
Hamilton County	-	2 Pole and Line Fishing Only (1)
All Fish	-	6 Fish Daily Creel Limit
Channel Catfish	-	14" Minimum Length Limit
Large or Smallmouth Bass	-	14" Minimum Length Limit
Walleye, Sauger, or Hybrid	-	14" Minimum Length Limit
Walleye	-	
Douglas Park Lagoon, Chicago Park District		
Cook County	-	2 Pole and Line Fishing Only (1)
All Fish	-	6 Fish Daily Creel Limit
Channel Catfish	-	

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

East Fork Lake, City of Olney	-	2 Pole and Line Fishing Only (1)
Richland County	-	6 Fish Daily Creel Limit
All Fish	-	15" Minimum Length Limit
Channel Catfish	-	14" Minimum Length Limit
Large or Smallmouth Bass	-	25 Fish Daily Creel Limit
Walleye, Sauger, or Hybrid	-	
Walleye	-	
White, Black, or Hybrid	-	
Crappie (15)	-	
Evergreen Lake, City of Bloomington		
McLean County	-	15" Minimum Length Limit
Large or Smallmouth Bass	-	36" Minimum Length Limit
Pure Muskellunge	-	
Walleye, Sauger, or Hybrid	-	14" Minimum Length Limit
Walleye	-	
Faries Park Pond, City of Decatur		
Macon County	-	Fall Closed Season (10)
Trout	-	
Ferne Clyffe Lake, Ferne Clyffe State Park		
Johnson County	-	2 Pole and Line Fishing Only (1)
All Fish	-	6 Fish Daily Creel Limit
Channel Catfish	-	Fall Closed Season (10)
Trout	-	Spring Closed Season (11)
Trout	-	
Forbes State Lake, Stephen A. Forbes State Park		
Marion County	-	2 Pole and Line Fishing Only (1)(5)
All Fish	-	6 Fish Daily Creel Limit
Channel Catfish	-	14" Minimum Length Limit
Large or Smallmouth Bass	-	
Striped, White, or Hybrid	-	17" Minimum Length Limit
Striped Bass	-	
Striped, White, or Hybrid	-	3 Fish Daily Creel Limit
Striped Bass (16)	-	
Walleye, Sauger, or Hybrid	-	14" Minimum Length Limit
Walleye	-	
Forbes State Park Pond, Stephen A. Forbes State Park		
Marion County	-	2 Pole and Line Fishing Only (1)(5)
All Fish	-	6 Fish Daily Creel Limit
Channel Catfish	-	14" Minimum Length Limit
Large or Smallmouth Bass	-	
Forest Park Lagoon, City of Shelbyville		
Shelby County	-	2 Pole and Line Fishing Only (1)

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit
- Trout - Fall Closed Season (10)
- Trout - Spring Closed Season (11)

Four Lakes, Winnebago County Forest Preserve

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit

Fox Chain O' Lakes, State of Illinois Lake and McHenry Counties

- Large or Smallmouth Bass - 14" Minimum Length Limit (6)
- Pure Muskellunge - 36" Minimum Length Limit
- Walleye, Sauger, or Hybrid - 18" Minimum Length Limit (6)
- Walleye - 3 Fish Daily Creel Limit (6)
- Walleye, Sauger, or Hybrid - 3 Fish Daily Creel Limit (6)
- Walleye (14)

Frank Holten Lakes, Frank Holten State Park

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 14" Minimum Length Limit
- Trout - Fall Closed Season (10)
- Trout - Spring Closed Season (11)

Franklin Creek, Franklin Creek State Natural Area

- All Fish - 2 Pole and Line Fishing Only (1)

Gale Lake, Village of East Galesburg

- All Fish - 2 Pole and Line Fishing Only (1)
- Bluegill or Redear Sunfish (14) - 10 Fish Daily Creel Limit
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 15" Minimum Length Limit
- Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

Garfield Park Lagoon, Chicago Park District

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit

Gebhard Woods Pond, Gebhard Woods State Park

- All Fish - 2 Pole and Line Fishing Only (1)
- Trout - Spring Closed Season (11)

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

- Giant City Park Pond, State of Illinois Jackson and Union Counties - 15" Minimum Length Limit
- Largemouth and Spotted Bass

Gillespie New City Lake, City of Gillespie Macoupin County

- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 12-15" Slot Length Limit (3)
- Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

Gillespie Old City Lake, City of Gillespie Macoupin County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 15" Minimum Length Limit
- Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

Glades - 12 Mile Island Wildlife Management Area

Jersey County
(Unlawful to trespass upon designated waterfowl hunting areas during the 3 days prior to the waterfowl season)

Gladstone Lake, Henderson County Conservation Area

- All Fish - 2 Pole and Line Fishing Only (1)
- Bluegill or Redear Sunfish (14) - 10 Fish Daily Creel Limit
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 12-15" Slot Length Limit (3)
- Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

Glen Shoals Lake, City of Hillsboro

Montgomery County

- Large or Smallmouth Bass - 15" Minimum Length Limit
- Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit
- Striped, White, or Hybrid - 17" Minimum Length Limit
- Striped Bass - 15" Minimum Length Limit
- Striped, White, or Hybrid - 3 Fish Daily Creel Limit
- Striped Bass (16)

Godard-Diamond/Hurricane Island Wildlife Management Area

Calhoun County

(Unlawful to trespass upon designated waterfowl hunting areas 7 days prior to the waterfowl season and on areas designated as waterfowl refuges from October 10 until the end of the waterfowl season)

Gompers Park Lagoon, Chicago Park District

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

Gordon F. More Park Lake, City of Alton
Madison County

- All Fish
- Bluegill or Redear Sunfish (14)
- Channel Catfish
- Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 25 Fish Daily Creel Limit
- 6 Fish Daily Creel Limit
- 2 Fish < 15" &/or 1 Fish > or = 15" Daily (25)

Governor Bond Lake, City of Greenville
Bond County

- Large or Smallmouth Bass
- Large or Smallmouth Bass (14)
- Striped, White, or Hybrid
- Striped Bass
- Striped, White, or Hybrid
- Striped Bass (16)
- 15" Minimum Length Limit
- 3 Fish Daily Creel Limit
- 17" Minimum Length Limit
- 3 Fish Daily Creel Limit

Greenfield City Lake, City of Greenfield
Green County

- All Fish
- Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Greenville Old City Lake, City of Greenville
Bond County

- All Fish
- Channel Catfish
- Trout
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Fall Closed Season (10)

Harrisburg New City Reservoir, City of Harrisburg
Saline County

- All Fish
- Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Heidecke Lake, Heidecke Lake State Fish and Wildlife Area
Grundy County

(Shall be closed to all fishing and boat traffic except for legal waterfowl hunters from 2 weeks prior to duck season until the close of waterfowl season)

- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- Large or Smallmouth Bass (14)
- Striped, White, or Hybrid
- Striped Bass (16)
- Walleye, Sauger, or Hybrid
- Walleye
- Walleye, Sauger, or Hybrid
- Walleye (14)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 18" Minimum Length Limit
- 3 Fish Daily Creel Limit
- 10 Creel/3 Fish 17" or Longer Daily (17)
- 22" Minimum Length Limit
- 3 Fish Daily Creel Limit

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

Hennepin Canal-Mainline & Feeder, Hennepin Canal Parkway State Park
Multiple Counties

- All Fish
- Large or Smallmouth Bass
- Trout
- Trout
- Walleye, Sauger, or Hybrid
- Walleye
- 2 Pole and Line Fishing Only (1)(13)
- 14" Minimum Length Limit
- Fall Closed Season (10)
- Spring Closed Season (11)
- 14" Minimum Length Limit

Herrick Lake, DuPage County Forest Preserve District
DuPage County

- All Fish
- Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Hidden Springs State Forest Pond, Hidden Springs State Forest
Shelby County

- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- Highland Old City Lake, City of Highland
- Madison County
- All Fish
- Channel Catfish
- Trout
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit

Highland Old City Lake, City of Highland
Madison County

- All Fish
- Channel Catfish
- Trout
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Fall Closed Season (10)

Hillsboro Old City Lake, City of Hillsboro
Montgomery County

- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 12-15" Slot Length Limit (3)

Homer Lake, Champaign County Forest Preserve District
Champaign County

- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit

Hornel Pond, Donnelly State Fish and Wildlife Area
Bureau County

- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)(19)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit

Horseshoe Lake-Alexander Co., Horseshoe Lake Conservation Area
Alexander County

- (Only trolling motors in refuge from October 5-March 1)
- All Fish
- 2 Pole and Line Fishing Only (1)

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 14" Minimum Length Limit

Horseshoe Lake State Park
 Madison County
 (Unlawful to trespass upon designated waterfowl hunting areas during the 3 days prior to the waterfowl season)

All Fish - 2 Pole and Line Fishing Only (1)(35)
 Large or Smallmouth Bass - 15" Minimum Length Limit
 Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit
 White, Black or Hybrid - 25 Fish Daily Creel Limit
 Crappie (15)

Horton Lake, Nauvoo State Park
 Hancock County
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit

Humbolt Park Lagoon, Chicago Park District
 Cook County
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit

Illinois & Michigan Canal; State of Illinois
 Grundy/LaSalle Counties
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit

Illinois Beach State Park Pond; Illinois Beach State Park
 Lake County
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit

Illinois Department of Transportation Lake, State of Illinois
 Sangamon County
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit

Jackson Park (Columbia Basin) Lagoon, Chicago Park District
 Cook County
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit

Johnson Sauk Trail Lake & Pond, Johnson Sauk Trail State Park
 Henry County
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 14" Minimum Length Limit

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

Jones Park Lake, City of East St. Louis
 St. Clair County
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit
 Trout - Fall Closed Season (10)
 Trout - Spring Closed Season (11)

Jones State Lake, Saline County Conservation Area
 Saline County
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 14" Minimum Length Limit

Jones Lake Trout Pond, Saline County Conservation Area
 Saline County
 Trout - Fall Closed Season (10)
 Trout - Spring Closed Season (11)

Jubilee College State Park Pond, Jubilee College State Park
 Peoria County
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit

Kaskaskia River & all tributaries, State of Illinois
 Multiple Counties
 Walleye, Sauger, or Hybrid - 14" Minimum Length Limit
 Walleye

Kaskaskia River Fish and Wildlife Area - Doza Creek Wildlife Management Area
 St. Clair County
 (Closed to all public use 3 days prior to waterfowl hunting season)

Kendall Co. Lake #1, Kendall County Forest Preserve District
 Kendall County
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 14" Minimum Length Limit
 Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

Kent Creek, State of Illinois
 Winnebago County
 Trout - Spring Closed Season (11)

Kickapoo State Park Lakes & Pond, Kickapoo State Park
 Vermilion County
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit

DEPARTMENT OF CONSERVATION
NOTICE OF EMERGENCY AMENDMENTS

Kinkaid Lake, Kinkaid Lake State Fish and Wildlife Area Jackson County	
Large or Smallmouth Bass	- 18" Minimum Length Limit
Pure Muskellunge	- 36" Minimum Length Limit
Walleye, Sauger, or Hybrid	- 14" Minimum Length Limit
Walleye	- 14" Minimum Length Limit
Lake Atwood, McHenry County Conservation District McHenry County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Trout	- Spring Closed Season (11)
Lake Bloomington, City of Bloomington McLean County	
Large or Smallmouth Bass	- 15" Minimum Length Limit
Striped, White, or Hybrid	- 17" Minimum Length Limit
Striped Bass	- 3 Fish Daily Creel Limit
Striped, White, or Hybrid	- 14" Minimum Length Limit
Striped Bass (16)	- 3 Fish Daily Creel Limit
Walleye, Sauger, or Hybrid	- 14" Minimum Length Limit
Walleye	- 14" Minimum Length Limit
Lake Carlton, Morrison-Rockwood State Park Whiteside County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass (14)	- 1 Fish Daily Creel Limit
Large or Smallmouth Bass	- 14" Minimum Length Limit
Pure Muskellunge	- 36" Minimum Length Limit
Walleye, Sauger, or Hybrid	- 14" Minimum Length Limit
Walleye	- 25 Fish Daily Creel Limit
White, Black, or Hybrid	- 14" Minimum Length Limit
Crappie (15)	- 25 Fish Daily Creel Limit
Lake Co. Forest Preserve District Lakes; Lake County Forest Preserve District Lake County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass (14)	- 1 Fish Daily Creel Limit
Large or Smallmouth Bass	- 15" Minimum Length Limit
Lake Decatur, City of Decatur Macon County	
All Fish	- 2 Pole and Line Fishing Only (1) (29)
Large or Smallmouth Bass	- 14" Minimum Length Limit
Walleye, Sauger, or Hybrid	- 14" Minimum Length Limit
Walleye	- 14" Minimum Length Limit

DEPARTMENT OF CONSERVATION
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Lake Depue Fish and Wildlife Area Bureau County	
(Unlawful to trespass upon designated waterfowl hunting areas 7 days prior to the waterfowl season and on areas designated as waterfowl refugees from October 10 until the end of the waterfowl season)	
Lake Eureka, City of Eureka Woodford County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 15" Minimum Length Limit
Large or Smallmouth Bass (14)	- 1 Fish Daily Creel Limit
Lake George, Loud Thunder Forest Preserve Rock Island County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 14" Minimum Length Limit
Pure Muskellunge	- 36" Minimum Length Limit
Walleye, Sauger, or Hybrid	- 14" Minimum Length Limit
Walleye	- 14" Minimum Length Limit
White, Black, or Hybrid	- 25 Fish Daily Creel Limit
Crappie (15)	- 25 Fish Daily Creel Limit
Lake Jacksonville, City of Jacksonville Morgan County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 15" Minimum Length Limit
Striped, White, or Hybrid	- 17" Minimum Length Limit
Striped Bass	- 17" Minimum Length Limit
Striped, White, or Hybrid	- 3 Fish Daily Creel Limit
Striped Bass (16)	- 25 Fish Daily Creel Limit
White, Black, or Hybrid	- 9" Minimum Length Limit
Crappie (15)	- 9" Minimum Length Limit
Crappie	- 9" Minimum Length Limit
Lake Kakusha, City of Mendota LaSalle County	
All Fish	- 2 Pole and Line Fishing Only (1)
Bluegill or Redear Sunfish (14)	- 10 Fish Daily Creel Limit
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 14" Minimum Length Limit
Large or Smallmouth Bass (14)	- 3 Fish Daily Creel Limit
White, Black, or Hybrid	- 10 Fish Daily Creel Limit
Crappie (15)	- 10 Fish Daily Creel Limit
Crappie	- 10 Fish Daily Creel Limit
Lake Le-Aqua-Na, Lake Le-Aqua-Na State Park	

DEPARTMENT OF CONSERVATION

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NOTICE OF EMERGENCY AMENDMENTS

NOTICE OF EMERGENCY AMENDMENTS

Stephenson County

- All Fish
- Bluegill or Redear Sunfish (14)
- Channel Catfish
- Large or Smallmouth Bass (14)
- Large or Smallmouth Bass
- Walleye, Sauger, or Hybrid
- Walleye
- White, Black, or Hybrid
- Crappie (15)
- 2 Pole and Line Fishing Only (1)
- 10 Fish Daily Creel Limit
- 6 Fish Daily Creel Limit
- 1 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 14" Minimum Length Limit
- 25 Fish Daily Creel Limit

Lake Mendota, City of Mendota

- LaSalle County
- Channel Catfish
- Large or Smallmouth Bass (14)
- 6 Fish Daily Creel Limit
- 1 Fish > or = 15" &/or 2 < 12" Daily (31)

Lake Michigan (Illinois Portion), State of Illinois

- Lake/Cook Counties
- Trout and Salmon
- Trout and Salmon
- Lake Trout
- 10" Minimum Length Limit
- No more than 3 fish of any one species daily, except for Lake Trout
- 2 Fish Daily Creel Limit

Lake Milliken, Des Plaines Conservation Area

- Will County
- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- Trout
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- Spring Closed Season (11)

Lake Mingo & Kennekuk Cove Park Ponds, Vermilion County Conservation Area

- Vermilion County
- All Fish
- Bluegill or Redear Sunfish (14)
- Channel Catfish
- Large or Smallmouth Bass
- Walleye, Sauger, or Hybrid
- Walleye
- 2 Pole and Line Fishing Only (1)
- 25 Fish Daily Creel Limit
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 14" Minimum Length Limit

Lake Murphysboro, Lake Murphysboro State Park

- Jackson County
- All Fish
- Bluegill or Redear Sunfish (14)
- Channel Catfish
- Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 25 Fish Daily Creel Limit
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit

Lake Nellie, City of St. Elmo

Fayette County

- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- Lake-of-the-Woods & Elk's Pond, Champaign County Forest Preserve District
- Champaign County
- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- Large or Smallmouth Bass (14)
- Trout
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 1 Fish Daily Creel Limit
- Spring Closed Season (11)
- Lake Olson, Rock Out State Park
- Winnebago County
- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- Large or Smallmouth Bass (14)
- Lake Paradise, City of Mattton
- Coles County
- All Fish
- Large or Smallmouth Bass
- Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 14" Minimum Length Limit
- Lake Paradise Shadow Ponds, City of Mattton
- Coles County
- All Fish
- Large or Smallmouth Bass
- Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 14" Minimum Length Limit
- 6 Fish Daily Creel Limit
- Lake Sara, City of Effingham
- Effingham County
- Large or Smallmouth Bass
- Walleye, Sauger, or Hybrid
- Walleye
- White, Black, or Hybrid
- Crappie (15)
- 14" Minimum Length Limit
- 14" Minimum Length Limit
- 25 Fish Daily Creel Limit
- Lake Shelbyville (21), U.S. Army Corps of Engineers
- Moultrie/Shelby Counties
- Large or Smallmouth Bass
- Pure Muskellunge
- Walleye, Sauger, or Hybrid
- Walleye
- White, Black, or Hybrid
- Crappie (15)
- White, Black, or Hybrid
- Crappie
- 14" Minimum Length Limit
- 36" Minimum Length Limit
- 14" Minimum Length Limit
- 10 Fish Daily Creel Limit
- 10" Minimum Length Limit

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

Lake Shelbyville - Ponds & Woods Lake, Lake Shelbyville State Fish and Wildlife Area
Moultrie/Shelby Counties

- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit

Lake Springfield, City of Springfield

Sangamon County

- All Fish
- Large or Smallmouth Bass
- Walleye, Sauger, or Hybrid
- Walleye
- White, Black, or Hybrid
- Crappie (15)
- White, Black, or Hybrid
- Crappie
- 2 Pole and Line Fishing Only (1)
- 15" Minimum Length Limit
- 14" Minimum Length Limit
- 25 Fish Daily Creel Limit
- 9" Minimum Length Limit

Lake Storey, City of Galesburg

Knox County

- All Fish
- Bluegill or Redear Sunfish (14)
- Channel Catfish
- Large or Smallmouth Bass
- Walleye, Sauger, or Hybrid
- Walleye
- Walleye, Sauger, or Hybrid
- Walleye (14)
- 2 Pole and Line Fishing Only (1)/(5)
- 25 Fish Daily Creel Limit
- 6 Fish Daily Creel Limit
- 12-15" Slot Length Limit (3)
- 14" Minimum Length Limit
- 3 Fish Daily Creel Limit

Lake Sule, Flagg-Rochelle Park District

Ogle County

- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- Large or Smallmouth Bass (14)
- Pure Muskellunge
- Walleye, Sauger, or Hybrid
- Walleye
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 1 Fish Daily Creel Limit
- 36" Minimum Length Limit
- 14" Minimum Length Limit

Lake Taylorville, City of Taylorville

Christian County

- Large or Smallmouth Bass
- White, Black, or Hybrid
- Crappie
- White, Black, or Hybrid
- Crappie (15)
- 15" Minimum Length Limit
- 9" Minimum Length Limit
- 25 Fish Daily Creel Limit

Lake Vandalia, City of Vandalia

Fayette County

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

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- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- Striped, White, or Hybrid
- Striped Bass
- Striped, White, or Hybrid
- Striped Bass (16)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 17" Minimum Length Limit
- 3 Fish Daily Creel Limit

Lake Vermilion, Vermilion County Conservation District

Vermilion County

- All Fish
- Large or Smallmouth Bass
- Pure Muskellunge
- Walleye, Sauger, or Hybrid
- Walleye
- 2 Pole and Line Fishing Only (26)
- 15" Minimum Length Limit (23)
- 36" Minimum Length Limit (23)
- 14" Minimum Length Limit (23)

Lake Williamsville, City of Williamsville

Sangamon County

- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit

LaSalle Lake, LaSalle Power Station

LaSalle County

- All Fish
- Large or Smallmouth Bass (14)
- Large or Smallmouth Bass
- Striped, White, or Hybrid
- Striped Bass (16)
- 2 Pole and Line Fishing Only (1)
- 1 Fish Daily Creel Limit
- 18" Minimum Length Limit
- 10 Creel/3 Fish 17" or Longer Daily (17)

Lincoln Log Cabin Pond, Lincoln Log Cabin Historical Site

Coles County

- All Fish
- 2 Pole and Line Fishing Only (1)

Lincoln Park North Lagoon, Chicago Park District

Cook County

- All Fish
- Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Lincoln Park South Lagoon, Chicago Park District

Cook County

- All Fish
- Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Lincoln Trail Lake, Lincoln Trail State Park

Clark County

- All Fish
- Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

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- Large or Smallmouth Bass - 12-15" Slot Length Limit (3)
- Little Black Slough, Little Black Slough State Natural Area
Johnson County
All Fish - 2 Pole and Line Fishing Only (1)
All Fish - No Seines
- Little Sister Lake, County of Fulton
Fulton County
All Fish - 2 Pole and Line Fishing Only (1)
Bluegill or Redear Sunfish (14) - 10 Fish Daily Creel Limit
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 15" Minimum Length Limit
Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit
- Lou Yeager Lake, City of Litchfield
Montgomery County
Large or Smallmouth Bass - 15" Minimum Length Limit
Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit
- Lower Cache River, Lower Cache River State Natural Area
Pulaski/Johnson Counties
All Fish - 2 Pole and Line Fishing Only (1)
All Fish - No Seines
- Lyerla Lake, Union County Conservation Area
Union County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
- Macon County Conservation District Pond, Macon County Conservation District
Macon County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
- Maple Lake, Cook County Forest Preserve District
Cook County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
- Marquette Park Lagoon, Chicago Park District
Cook County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
- Marshall County Conservation Area (Fishing Ditch), Marshall County Conservation Area
Marshall County
(Unlawful to trespass upon designated waterfowl hunting areas 7 days prior to the waterfowl season and

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- on areas designated as waterfowl refugees from October 10 until the end of the waterfowl season)
All Fish - 2 Pole and Line Fishing Only (1)
- Mascoutah Reservoir, City of Mascoutah
St. Clair County
All Fish - 2 Pole and Line Fishing Only (1)
Large or Smallmouth Bass - 15" Minimum Length Limit
Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit
- Mattoon Lake, City of Mattoon
Coles County
All Fish - 2 Pole and Line Fishing Only (1)
Large or Smallmouth Bass - 14" Minimum Length Limit
- Mazonia-Braidwood Lakes & Pond, Mazonia-Braidwood State Fish and Wildlife Area
Grundy/Will Counties
(Unlawful to fish or trespass upon the designated waterfowl hunting areas or refuge beginning 2 weeks prior to the waterfowl season until the end of the waterfowl season at Mazonia Fish and Wildlife Area. Braidwood Lake is closed to all fishing and boat traffic from 2 weeks prior to duck season through the day before duck season and is closed to all fishing during waterfowl season commencing with duck season)
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 15" Minimum Length Limit
Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit
Striped, White, or Hybrid
Striped Bass - 17" Minimum Length Limit
Striped, White, or Hybrid
Striped Bass (16) - 3 Fish Daily Creel Limit
Walleye, Sauger, or Hybrid
Walleye - 14" Minimum Length Limit
White, Black or Hybrid
Crappie (15) - 10 Fish Daily Creel Limit
- Mautino Fish and Wildlife Area, Mautino Fish and Wildlife Area
Bureau County
All Fish - 2 Pole and Line Fishing Only (1)
Bluegill or Redear Sunfish (14) - 10 Fish Daily Creel Limit
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 14" Minimum Length Limit
Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit
- McCullom Lake, City of McHenry
McHenry County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
- McKinley Park Lagoon, Chicago Park District
Cook County

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All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit

McLeansboro City Lakes, City of McLeansboro
Hamilton County

All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 14" Minimum Length Limit

Meredosia Lake - Cass County Portion
Cass County

(Meandered waters only) (All boat traffic is prohibited from operating on meandered waters (except non-motorized boats may be used to assist in the retrieval of waterfowl shot from private land) from the period from one week before waterfowl season opens until the season closes; hunting and/or any other activity is prohibited during the period from one week before waterfowl season opens until the season closes)

Mermet State Lake, Mermet Lake Conservation Area
Massac County

(All boats prohibited from entering the duly posted waterfowl refuge (Main Lake) from October 1 until the close of the waterfowl season)

All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 14" Minimum Length Limit

Middle Fork Forest, Preserve Pond, Champaign County Forest Preserve
Champaign County

All Fish - 2 Pole and Line Fishing Only (1)
Bluegill or Redear Sunfish (14) - 25 Fish Daily Creel Limit
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 14" Minimum Length Limit

Mill Creek Lake, Clark County Park District
Clark County

All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 12-15" Slot Length Limit (3)
Walleye, Sauger, or Hybrid - 14" Minimum Length Limit

Miller Park Lake, City of Bloomington
McLean County

All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Trout - Spring Closed Season (11)

Mineral Springs Park Lagoon, City of Pekin
Tazewell County

All Fish - 2 Pole and Line Fishing Only (1)

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Channel Catfish - 6 Fish Daily Creel Limit
Trout - Fall Closed Season (10)

Mississippi River (between IL & IA), State of Illinois
Multiple Counties

Large or Smallmouth Bass - 14" Minimum Length Limit
Northern Pike - 5 Fish Daily Creel Limit
Walleye and Sauger (14) - 10 Fish Daily Creel Limit (24)
Walleye - 15" Minimum Length Limit

Mississippi River (between IL & MO), State of Illinois
Multiple Counties

(Boating prohibited on refuge area immediately south of Melvin Price Lock and Dam 26 from October 15-April 15)

Northern Pike - 1 Fish Daily Creel Limit
Walleye and Sauger (14) - 8 Fish Daily Creel Limit

Monsee Reservoir, Will County Forest Preserve District
Will County

All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit
Large or Smallmouth Bass - 15" Minimum Length Limit

Montrose Lake, City of Montrose
Cumberland County

All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 14" Minimum Length Limit

Mt. Olive City Lakes, City of Mt. Olive
Macoupin County

All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit

Mt. Olive (Old) Lake, City of Mt. Olive
Macoupin County

Large or Smallmouth Bass - 15" Minimum Length Limit

Mt. Sterling Lake, City of Mt. Sterling
Brown County

Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 12-15" Slot Length Limit (3)

Mt. Vernon Game Farm Pond, Mt. Vernon Game Farm
Jefferson County

Trout - Fall Closed Season (10)
Trout - Spring Closed Season (11)

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Mundelein Park Dist. (Diamond Lake & Park Ponds), City of Mundelein Lake County

- All Fish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Channel Catfish
- 15" Minimum Length Limit
- Large or Smallmouth Bass
- 3 Fish Daily Creel Limit
- Large or Smallmouth Bass (14)

Nashville City Lake, City of Nashville Washington County

- All Fish
- 2 Pole and Line Fishing Only (1)
- Channel Catfish
- 6 Fish Daily Creel Limit
- Large or Smallmouth Bass
- 18" Minimum Length Limit

Newton Lake, Newton Lake State Fish and Wildlife Area Jasper County

- All Fish
- 2 Pole and Line Fishing Only (1)
- Large or Smallmouth Bass
- 18" Minimum Length Limit
- Large or Smallmouth Bass (14)
- 3 Fish Daily Creel Limit
- Walleye, Sauger, or Hybrid
- Walleye
- 14" Minimum Length Limit
- White, Black, or Hybrid
- Crappie (15)
- 10 Fish Daily Creel Limit
- White, Black, or Hybrid
- Crappie
- 10" Minimum Length Limit

Oakland City Lake, City of Oakland Coles County

- All Fish
- 2 Pole and Line Fishing Only (1)
- Channel Catfish
- 6 Fish Daily Creel Limit
- Large or Smallmouth Bass
- 14" Minimum Length Limit

Ohio River (between Illinois & Kentucky), State of Illinois Multiple Counties

- Large or Smallmouth Bass
- 12" Minimum Length Limit
- Northern Pike
- No Length or Creel Limit
- Muskie or Tiger Muskie
- 2 Fish Daily Creel Limit
- Walleye, Sauger, or Hybrid
- Walleye (14)
- 10 Fish Daily Creel Limit
- White, Black, or Hybrid
- Crappie (15)
- 30 Fish Daily Creel Limit
- Striped, White, Yellow or Hybrid
- Striped Bass
- 30 Creel/4 Fish 15" or Longer Daily (32)

Otter Lake, Otter Lake Water Commission Macoupin County

- Large or Smallmouth Bass
- 15" Minimum Length Limit
- Striped, White, or Hybrid

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- Striped Bass
- 17" Minimum Length Limit
- Striped, White, or Hybrid
- Striped Bass (16)
- 3 Fish Daily Creel Limit
- Pure Muskellunge
- 36" Minimum Length Limit

Palmyra City Lake & Terry Park Pond, City of Palmyra Macoupin County

- All Fish
- 2 Pole and Line Fishing Only (1)
- Channel Catfish
- 6 Fish Daily Creel Limit

Pana Lake, City of Pana

Shelby and Christian Counties

- All Fish
- 2 Pole and Line Fishing Only (1)
- Channel Catfish
- 6 Fish Daily Creel Limit
- Large or Smallmouth Bass
- 14" Minimum Length Limit

Paris East & West Lakes, City of Paris Edgar County

- All Fish
- 2 Pole and Line Fishing Only (1)(5)
- Channel Catfish
- 6 Fish Daily Creel Limit
- Large or Smallmouth Bass
- 14" Minimum Length Limit

Peabody River King, Pit #3 Lakes and Ponds, River King State Conservation Area St. Clair County

- All Fish
- 2 Pole and Line Fishing Only (1)
- Large or Smallmouth Bass
- 15" Minimum Length Limit
- Large or Smallmouth Bass (14)
- 3 Fish Daily Creel Limit
- White, Black, or Hybrid
- Crappie (15)
- 25 Fish Daily Creel Limit
- White, Black, or Hybrid Crappie
- 9" Minimum Length Limit

Peelman Lake, Kickapoo State Park Vermillion County

- Large or Smallmouth Bass
- 14" Minimum Length Limit

Pierce Lake, Rock Cut State Park Winnebago County

- All Fish
- 2 Pole and Line Fishing Only (1)(8)
- Bluegill or Redear Sunfish (14)
- 5 Fish Daily Creel Limit
- Channel Catfish
- 6 Fish Daily Creel Limit
- Large or Smallmouth Bass (14)
- 1 Fish Daily Creel Limit
- Large or Smallmouth Bass
- 14" Minimum Length Limit
- Pure Muskellunge
- 36" Minimum Length Limit
- Walleye, Sauger, or Hybrid
- Walleye
- 14" Minimum Length Limit
- White, Black, or Hybrid
- Crappie (15)
- 25 Fish Daily Creel Limit

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- Pinckneyville Lake, City of Pinckneyville
 Perry County
 - Large or Smallmouth Bass - 18" Minimum Length Limit
 - Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit
- Pine Creek, State of Illinois
 Ogle County
 - Trout - Spring Closed Season (11)
- Piscasaw Creek, State of Illinois
 McHenry County
 - Trout - 9" Minimum Length Limit
 - Trout - Spring Closed Season (11)
- Pittsfield City Lake, City of Pittsfield
 Pike County
 - Large or Smallmouth Bass - 14" Minimum Length Limit
 - Striped, White, or Hybrid - 17" Minimum Length Limit
 - Striped Bass -
 - Striped, White, or Hybrid - 3 Fish Daily Creel Limit
 - Striped Bass (16)
 - Walleye, Sauger, or Hybrid - 14" Minimum Length Limit
 - Walleye
- Pocahontas Park Pond, City of Pocahontas
 Bond County
 - All Fish - 2 Pole and Line Fishing Only (1)
 - Channel Catfish - 6 Fish Daily Creel Limit
- Powerton Lake, Powerton Lake Fish and Wildlife Area
 Tazewell County
 (Closed to boat traffic from October 1-February 15, except for legal waterfowl hunters; closed to all unauthorized entry during the waterfowl season)
 - All Fish - 2 Pole and Line Fishing Only (1)
 - Channel Catfish - 6 Fish Daily Creel Limit
 - Large or Smallmouth Bass - 18" Minimum Length Limit
 - Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit
 - Striped, White, or Hybrid -
 - Striped Bass (16) - 10 Creel/3 Fish 17" or Longer Daily (17)
 - Walleye, Sauger, or Hybrid -
 - Walleye (14) - 1 Fish Daily Creel Limit
 - Walleye, Sauger, or Hybrid - 24" Minimum Length Limit
 - Walleye
- Pratt Wayne Woods Lakes, DuPage County Forest Preserve
 DuPage County
 - All Fish - 2 Pole and Line Fishing Only (1)
 - Channel Catfish - 6 Fish Daily Creel Limit

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- Prospect Pond, City of Moline
 Rock Island County
 - Trout - Fall Closed Season (10)
- Pyramid State Park Lakes & Pond, Pyramid State Park
 Perry County
 - All Fish - 2 Pole and Line Fishing Only (1)
 - Channel Catfish - 6 Fish Daily Creel Limit
- Ramsey Lake, Ramsey Lake State Park
 Fayette County
 - All Fish - 2 Pole and Line Fishing Only (1)
 - Bluegill or Redear Sunfish (14) - 25 Fish Daily Creel Limit
 - Channel Catfish - 6 Fish Daily Creel Limit
 - Large or Smallmouth Bass - 14" Minimum Length Limit
 - Walleye, Sauger, or Hybrid -
 - Walleye - 14" Minimum Length Limit
 - White, Black, or Hybrid -
 - Crappie (15) - 10 Fish Daily Creel Limit
 - White, Black, or Hybrid -
 - Crappie - 9" Minimum Length Limit
- Randolph County Lake, Randolph County Conservation Area
 Randolph County
 - All Fish - 2 Pole and Line Fishing Only (1)
 - Channel Catfish - 6 Fish Daily Creel Limit
 - Large or Smallmouth Bass - 14" Minimum Length Limit
 - Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit
 - Trout - Fall Closed Season (10)
 - Walleye, Sauger, or Hybrid -
 - Walleye - 14" Minimum Length Limit
- Red Hills Lake, Red Hills State Park
 Lawrence County
 - All Fish - 2 Pole and Line Fishing Only (1)
 - Channel Catfish - 6 Fish Daily Creel Limit
 - Large or Smallmouth Bass - 15" Minimum Length Limit
- Red's Landing Wildlife Management Area
 Calhoun County
 (Walk-in area closed to trespassing 3 days prior to duck season)
- Rend Lake, (22) U.S. Army Corps of Engineers
 Franklin County
 (All boat traffic is prohibited from entering the duly posted waterfowl refuge and the subimpoundments from 2 weeks before waterfowl season until March 1 except that boats used by waterfowl hunters are permitted in the subimpoundments from 4:30 a.m. until 2 p.m. during the waterfowl season, except during the last 3 days of the Canada goose season, boats used by waterfowl hunters are permitted in the

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subimpoundments from 4:30 a.m. until one hour after sunset. The land portion of the Rend Lake Refuge is closed to trespassing during waterfowl season)
 Large or Smallmouth Bass - 14" Minimum Length Limit
 Striped, White, Yellow, or Hybrid
 Striped Bass (33) - 10 Creel/3 Fish 17" or Longer Daily (17)

Rend Lake Project Ponds, U.S. Army Corps of Engineers

Franklin County
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 14" Minimum Length Limit
 Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

Ridge Lake, Fox Ridge State Park

Coles County
 All Fish - 2 Pole and Line Fishing Only (1)(27)
 Channel Catfish - 14" Minimum Length Limit
 Large or Smallmouth Bass - 14" Minimum Length Limit
 Walleye, Sauger, or Hybrid
 Walleye - 14" Minimum Length Limit

Ris Park Lagoon, Chicago Park District

Cook County
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit

Rock Creek, State of Illinois

Kankakee County
 Trout - Spring Closed Season (11)

Rock River Main Stem Only, State of Illinois

Multiple Counties
 Large or Smallmouth Bass - 12" Minimum Length Limit
 Walleye, Sauger, and Hybrid
 Walleye - 14" Minimum Length Limit

Rock River Main Stem Only (from Oregon Dam to State Route 2 Highway Bridge at Grand Detour), State of Illinois

Ogle County
 Smallmouth Bass - Catch and Release Fishing Only (9)

Rock Springs Pond, Macon County Conservation District

Macon County
 Trout - Spring Closed Season (11)

Roodhouse Park Lake, City of Roodhouse

Green County

All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit

St. Elmo South Lake, City of St. Elmo

Fayette County
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit

Sam Dale Lake, Sam Dale Conservation Area

Wayne County
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 14" Minimum Length Limit
 Walleye, Sauger
 and Hybrid Walleye - 14" Minimum Length Limit

Sam Dale Trout Pond, Sam Dale Conservation Area

Wayne County
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 14" Minimum Length Limit
 Trout - Fall Closed Season (10)
 Trout - Spring Closed Season (11)

Sam Parr Lake, Sam Parr State Park

Jasper County
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit

Sand Lake, Illinois Beach State Park

Lake County
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 15" Minimum Length Limit
 Large or Smallmouth Bass(14) - 1 Fish Daily Creel Limit
 Trout - Fall Closed Season (10)

Sanganois Conservation Area

Mason, Cass, Schuyler and Menard Counties
 (Unlawful to trespass upon designated waterfowl hunting areas during the 3 days prior to the waterfowl season; fishing prohibited in impoundment areas during the waterfowl season; no trespassing at Barkhausen Refuge October 1 through end of goose season; no person shall trespass on the Marion Pickrel Refuge October 1 through the last day of waterfowl season unless proper permission is granted by the site superintendent)

Sangchris Lake, Sangchris Lake State Park

Christian/Sangamon Counties
 (Posted waterfowl refuge closed to all boat traffic during waterfowl season. Bank fishing along the dam shall be permitted. Fishing shall be prohibited in the east and west arms of the lake during the period

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from 10 days prior to the duck season through the end of the duck season. Fishing shall be prohibited in the west arm of the lake and the east arm of the lake south of the power lines during that portion of the goose season that follows the duck season)

- All Fish - 2 Pole and Line Fishing Only (1)
- Large or Smallmouth Bass (14) - 2 Fish < 15" &/or 1 Fish > or = 15" Daily (25)
- White, Black, or Hybrid
- Crappie (15) - 25 Fish Daily Creel Limit
- White, Black, or Hybrid
- Crappie - 9" Minimum Length Limit

Sangchris Lake Park Pond, Sangchris Lake State Park

- Sangamon County
- All Fish - 2 Pole and Line Fishing Only (1)

Schuy-Rush Lake, City of Rushville

- Schuyler County
- Walleye, Sauger, or Hybrid - 14" Minimum Length Limit
- Walleye
- White, Black, or Hybrid - 9" Minimum Length Limit
- Crappie

Senior Citizen's Pond, Kankakee River State Park

- Kankakee County
- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit

Shabbona Lake, Shabbona Lake State Park

- DeKalb County
- All Fish - 2 Pole and Line Fishing Only (1)
- Bluegill or Redear Sunfish (14) - 10 Fish Daily Creel Limit
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit
- Large or Smallmouth Bass - 14" Minimum Length Limit
- Pure Muskellunge - 36" Minimum Length Limit
- Walleye, Sauger, or Hybrid - 14" Minimum Length Limit
- Walleye
- White, Black, or Hybrid - 10 Fish Daily Creel Limit
- Crappie (15)

Shawnee National Forest Lakes & Pond, U.S. Forest Service

- Multiple Counties
- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit

Shawnee National Forest Lakes & Ponds less than 10 acres, U.S. Forest Service

- Multiple Counties
- Largemouth Bass - 12" Minimum Length Limit

- Shawnee National Forest - Bay Creek Lake, U.S. Forest Service
- Pope County
- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit

- Shawnee National Forest - Dutchman Lake, U.S. Forest Service
- Johnson County
- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit

- Shawnee National Forest - Lake Glendale, U.S. Forest Service
- Pope County
- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit

- Shawnee National Forest - Little Cedar Lake, U.S. Forest Service
- Jackson County
- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit

- Shawnee National Forest - One Horse Gap Lake, U.S. Forest Service
- Gallatin County
- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit

- Shawnee National Forest - Pounds Hollow Lake, U.S. Forest Service
- Gallatin County
- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit

- Shawnee National Forest - Tecumseh Lake, U.S. Forest Service
- Hardin County
- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit

- Shawnee National Forest - Whoopie Cat Lake, U.S. Forest Service
- Hardin County
- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit

- Sherman Park Lagoon, Chicago Park District
- Cook County
- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit

- Siloam Springs Lake, Siloam Springs State Park
- Adams County
- All Fish - 2 Pole and Line Fishing Only (1)

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Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 12-15" Slot Length Limit (3)
 Trout - Fall Closed Season (10)
 Trout - Spring Closed Season (11)

Large or Smallmouth Bass - 15" Minimum Length Limit

Silver Lake, DuPage County Forest Preserve District

DuPage County
 Trout - Spring Closed Season (11)

2 Pole and Line Fishing Only (1)(5)

Silver Lake (Highland), City of Highland

Madison County
 Walleye, Sauger, or Hybrid
 Walleye - 14" Minimum Length Limit

3 Fish Daily Creel Limit

Silver Springs S.P. (Big Lake) & Ponds, Silver Springs State Park

Kendall County
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 15" Minimum Length Limit
 Trout - Fall Closed Season (10)
 Trout - Spring Closed Season (11)

2 Pole and Line Fishing Only (1)(7)

6 Fish Daily Creel Limit

14" Minimum Length Limit

36" Minimum Length Limit

Site M Ponds #1, #2, #3 and #4, Site M Conservation Area

Cass County
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 15" Minimum Length Limit

25 Fish Daily Creel Limit

9" Minimum Length Limit

Snake Den Hollow Lakes, Snake Den Hollow State Fish and Wildlife Area

Knox County
 (All use other than waterfowl hunting prohibited from October 1 through the end of the goose season)

All Fish - 2 Pole and Line Fishing Only (1)

Bluegill or Redear Sunfish (14) - 10 Fish Daily Creel Limit

Channel Catfish - 6 Fish Daily Creel Limit

Large or Smallmouth Bass - 15" Minimum Length Limit

Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

Pure Muskellunge - 36" Minimum Length Limit

Walleye, Sauger, or Hybrid - 3 Fish Daily Creel Limit

Walleye (14) - 14" Minimum Length Limit

Walleye, Sauger, or Hybrid - 5 Fish Daily Creel Limit

White, Black, or Hybrid

Crappie (15)

Sparta City Lakes, City of Sparta

Randolph County
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit

Stump Lake Wildlife Management Area

Jersey County
 (Unlawful to trespass upon designated waterfowl hunting areas during the 3 days prior to the waterfowl season)

2 Pole & Line Fishing Only (1)

6 Fish Daily Creel Limit

1 Fish Daily Creel Limit

15" Minimum Length Limit

36" Minimum Length Limit

14" Minimum Length Limit

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

Tamper Lake, Cook County Forest Preserve
Cook County
All Fish - 2 Pole and Line Fishing Only
Channel Catfish - 6 Fish Daily Creel Limit
Walleye, Sauger, or Hybrid
Walleye - 16" Minimum Length Limit

Ten Mile Creek Lakes, Ten Mile Creek State Fish and Wildlife Area
Hamilton/Jefferson Counties
(Areas designated as refuge are closed to all access during the Canada goose season)
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 14" Minimum Length Limit

Tomahawk Lake, Moraine Hills State Park
McHenry County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 14" Minimum Length Limit
Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

Tremont Pond, Village of Tremont
Tazewell County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 15" Minimum Length Limit
Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit

Turner Lake, Chain O'Lakes State Park
Lake County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit
Large or Smallmouth Bass - 15" Minimum Length Limit

Tuscola City Lake, City of Tuscola
Douglas County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 14" Minimum Length Limit

Union County Conservation Area
Union County
(All fishing and boat traffic prohibited October 15-March 1)
Valley Lake, Wildwood Park District
Lake County
All Fish - 2 Pole and Line Fishing Only (1)

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 15" Minimum Length Limit
Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

Vandalia Correctional Facility Pond, State of Illinois
Fayette County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit

Vanhorn Woods Pond, Plainfield Park District
Will County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 15" Minimum Length Limit
Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit

Vernor Lake, City of Olney
Richland County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 14" Minimum Length Limit

Villa Grove East Lake, City of Villa Grove
Douglas County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 14" Minimum Length Limit

Villa Grove West Lake, City of Villa Grove
Douglas County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 14" Minimum Length Limit
Trout - Fall Closed Season (10)

Virginia City Reservoir, City of Virginia
Cass County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 15" Minimum Length Limit

Waddams Creek, State of Illinois
Stephenson County
Trout - Spring Closed Season (11)

Walnut Point Lake, Walnut Point State Fish and Wildlife Area
Douglas County
All Fish - 2 Pole and Line Fishing Only (1)

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

Channel Catfish	-	6 Fish Daily Creel Limit
Large or Smallmouth Bass	-	12-15" Slot Length Limit (3)
Walton Park Lake, City of Litchfield		
Montgomery County		
All Fish	-	2 Pole and Line Fishing Only (1)
Channel Catfish	-	6 Fish Daily Creel Limit
Warrior Lake, Moraine Hills State Park		
McHenry County		
All Fish	-	2 Pole and Line Fishing Only (1)
Channel Catfish	-	6 Fish Daily Creel Limit
Large or Smallmouth Bass	-	14" Minimum Length Limit
Large or Smallmouth Bass (14)	-	3 Fish Daily Creel Limit
Washington County Lake, Washington County Conservation Area		
Washington County		
All Fish	-	2 Pole and Line Fishing Only (1)
Channel Catfish	-	6 Fish Daily Creel Limit
Large or Smallmouth Bass	-	14" Minimum Length Limit
Striped, White, or Hybrid		
Striped Bass	-	17" Minimum Length Limit
Striped, White, or Hybrid		
Striped Bass (16)	-	3 Fish Daily Creel Limit
Washington Park Lagoon, Chicago Park District		
Cook County		
All Fish	-	2 Pole and Line Fishing Only (1)
Channel Catfish	-	6 Fish Daily Creel Limit
Washington Park Pond, Springfield Park District		
Sangamon County		
Trout	-	Fall Closed Season (10)
Trout	-	Spring Closed Season (11)
Waverly Lake, City of Waverly		
Morgan County		
All Fish	-	2 Pole and Line Fishing Only (1)
Channel Catfish	-	6 Fish Daily Creel Limit
Large or Smallmouth Bass	-	15" Minimum Length Limit
Weinberg-King Pond, Weinberg-King State Park		
Schuyler County		
All Fish	-	2 Pole and Line Fishing Only (1)
Channel Catfish	-	6 Fish Daily Creel Limit
Weldon Springs Lake, Weldon Springs State Park		
DeWitt County		

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

All Fish	-	2 Pole and Line Fishing Only (1)
Channel Catfish	-	6 Fish Daily Creel Limit
Large or Smallmouth Bass	-	14" Minimum Length Limit
West Frankfort New City Lake, City of West Frankfort		
Franklin County		
All Fish	-	2 Pole and Line Fishing Only (1)
Channel Catfish	-	6 Fish Daily Creel Limit
West Frankfort Old City Lake, City of West Frankfort		
Franklin County		
All Fish	-	2 Pole and Line Fishing Only (1)
Channel Catfish	-	6 Fish Daily Creel Limit
White Hall City Lake, City of White Hall		
Green County		
All Fish	-	2 Pole and Line Fishing Only (1)
Channel Catfish	-	6 Fish Daily Creel Limit
Wilderness Lake, Moraine Hills State Park		
McHenry County		
All Fish	-	2 Pole and Line Fishing Only (1)
Channel Catfish	-	6 Fish Daily Creel Limit
Large or Smallmouth Bass	-	14" Minimum Length Limit
Large or Smallmouth Bass (14)	-	3 Fish Daily Creel Limit
Wilderness Pond, Fox Ridge State Park		
Coles County		
All Fish	-	2 Pole and Line Fishing Only (1)
Channel Catfish	-	6 Fish Daily Creel Limit
Large or Smallmouth Bass	-	14" Minimum Length Limit
William Powers Conservation Area		
Cook County		
(Fishing from boats during waterfowl season unlawful. Fishing from shore in areas posted as waterfowl hunting areas during waterfowl season unlawful)		
Wolf Lake, William W. Powers Conservation Area		
Cook County		
All Fish	-	2 Pole and Line Fishing Only (1)
Channel Catfish	-	6 Fish Daily Creel Limit
Large or Smallmouth Bass	-	14" Minimum Length Limit
Walleye, Sauger, or Hybrid		
Walleye	-	14" Minimum Length Limit
Woodford Co. Cons. Area (Fishing Ditch), Woodford County Conservation Area		
Woodford County		
(Unlawful to trespass upon designated waterfowl hunting areas 7 days prior to the waterfowl season and		

ILLINOIS REGISTER

DEPARTMENT OF CONSERVATION

NOTICE OF EMERGENCY AMENDMENTS

on areas designated as waterfowl refugees from October 10 until the end of the waterfowl season)
 - All Fish - 2 Pole and Line Fishing Only (1)

Wyman Lake, City of Sullivan
 Moultrie County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit
- Trout - Spring Closed Season (11)

Yellow Creek, State of Illinois
 Stephenson County
 Trout

- Spring Closed Season (11)

(Source: Emergency amendments at 18 Ill. Reg. _____, effective **MAR 25 1994** for a maximum of 150 days)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of March 22, 1994 through March 28, 1994, and have been scheduled for review by the Committee at its April 19, 1994 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Office Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start of First Notice</u>	<u>JCAR Meeting</u>
5/6/94	<u>Illinois Housing Development Authority, Affordable Housing Bond Program (47 Ill Adm Code 360)</u>	2/4/94 18 Ill Reg 1669	4/19/94
5/6/94	<u>Secretary of State, Cancellation, Revocation or Suspension of Licenses or Permits (92 Ill Adm Code 1040)</u>	2/4/94 18 Ill Reg 1797	4/19/94
5/11/94	<u>Department of Revenue, Income Tax (86 Ill Adm Code 100)</u>	12/10/93 17 Ill Reg 21163	4/19/94
5/11/94	<u>Department of Mines and Minerals, The Illinois Oil and Gas Act (62 Ill Adm Code 240)</u>	12/31/93 17 Ill Reg 22128	4/19/94
5/11/94	<u>Department of Professional Regulation, Illinois Occupational Therapy Practice Act (68 Ill Adm Code 1315)</u>	1/21/94 18 Ill Reg 590	4/19/94
5/11/94	<u>Office of the Comptroller, Transfers Between Accounts Within a Fund Held by the State Treasurer (74 Ill Adm Code 275)</u>	2/4/94 18 Ill Reg 1664	4/19/94

PROCLAMATION

94-090

Whereas, nearly 3.5 million Illinoisans are among the 50 million Americans who have an increased risk of illness and death due to high blood pressure; and

Whereas, nationally, strokes are the third leading cause of death and a major cause of adult disability; and

Whereas, high blood pressure is a contributing factor in millions of heart attacks, strokes, and kidney failures each year; and

Whereas, for 21 years, Americans have worked together in local, state, and national organizations to increase awareness and control of this serious health problem; and

Whereas, since 1972, these efforts and the work of the National High Blood Pressure Education program and the National Stroke Association have helped lower the stroke mortality rate by 57 percent and the coronary heart disease rate by 45 percent; and

Whereas, the Illinois Department of Public Health has awarded Preventive Health and Health Services Block Grant Funds to 74 local health departments for cardiovascular disease prevention programs;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 1994 as HIGH BLOOD PRESSURE AND STROKE AWARENESS MONTH in Illinois and urge Illinoisans to have their blood pressure checked and to take appropriate measures to keep it under control and learn how to reduce their stroke risks.

Issued by the Governor March 21, 1994.

Filed with the Secretary of State March 25, 1994.

94-091

IRISH AMERICAN HERITAGE MONTH

Whereas, emigrants from Ireland arrived in the United States as early as 1621, reaching a population of nearly 300,000 by 1776; and

Whereas, 44 million Americans are of Irish ancestry; and

Whereas, the Irish community has formed clubs and organizations such as Gaelic Park, Irish American Heritage Center, and the Irish Fellowship Club to help keep their heritage alive; and

Whereas, the Irish and their descendants have helped enrich countless areas of life in the United States, including military and governmental service, science, education, art, agriculture, business, industry, and athletics; and

Whereas, Irish Americans have made significant contributions to our state's heritage, culture, and development--helping to

build cities, railroads, and waterways such as the Illinois-Michigan Canal; and

Whereas, March 17 is observed in honor of St. Patrick's Day, celebrated with a number of festivities, including Chicago's St. Patrick's Day parade, the nation's second largest;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 1994 as IRISH AMERICAN HERITAGE MONTH in Illinois.

Issued by the Governor March 21, 1994.

Filed with the Secretary of State March 25, 1994.

94-092

YOUTH TEMPERANCE EDUCATION WEEK

Whereas, alcoholism is one of America's foremost drug problems, affecting both adults and children, some before they reach their teen years; and

Whereas, we need to teach our youth the facts about the negative effects of alcohol and other narcotic drugs on their physical, mental, and spiritual well-being; and

Whereas, the Illinois and National Christian Temperance Union are sponsoring Youth Temperance Education Week April 24-30 to promote better living that is free from alcohol, other narcotics, and tobacco to ensure a stronger nation, happier homes, and safer highways;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 24-30, 1994, as YOUTH TEMPERANCE EDUCATION WEEK in Illinois.

Issued by the Governor March 21, 1994.

Filed with the Secretary of State March 25, 1994.

94-093

ARBOR DAY

Whereas, the Village of Palos Park has adopted a tree ordinance, established a tree body to advise and consult with the village arborist on matters pertaining to the tree ordinance, conducted a tree inventory on village property, and set up a program of education on tree care, planting, and maintenance for village residents with special emphasis on youth education; and

Whereas, the village plans to develop a tree risk management program, hire a tree care consultant, and work to achieve the preservation and reforestation of Palos Park; and

Whereas, as a result of the efforts of Palos Park Garden Guild I an Garden Guild III, the Village of Palos Park has been designated a Tree City USA by the National Arbor Day Society;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 24, 1994, as ARBOR DAY IN PALOS PARK in Illinois

to commemorate being designated as a Tree City USA.
 Issued by the Governor March 23, 1994.
 Filed with the Secretary of State March 25, 1994.

94-094
FEDERAL EMPLOYEE OF THE YEAR DAY

Whereas, in the honorable name of service to the public, dedicated federal employees have made great contributions to Illinois citizens in areas such as agriculture, business, education, energy, housing, law enforcement, national security, natural resources, postal services, science, social programs, and transportation; and

Whereas, each year a special day is set aside to recognize the outstanding services dedicated federal employees provide; and

Whereas, for the past 36 years, the Chicago Federal Employee of the Year Awards Program has honored outstanding employees for their competence and the impact of their work; and

Whereas, on April 29, based on decisions of distinguished judges, awards will be given to the outstanding employees in each of 11 categories representing the entire federal workforce;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 29, 1994, as **FEDERAL EMPLOYEE OF THE YEAR DAY** in Illinois in recognition of the vital services federal employees provide for our citizens and our state.

Issued by the Governor March 23, 1994.
 Filed with the Secretary of State March 25, 1994.

94-095
HENRIETTA SISK DAY

Whereas, Henrietta Sisk serves the Sangamon Valley Chapter of the American Red Cross as Volunteer Disaster Chairperson and on-site Supply and Logistics Officer, selflessly contributing her time, compassion and talent to those who have suffered disasters; and

Whereas, Mrs. Sisk has donated countless hours to serving her fellow citizens in need by assisting in disasters of such magnitude as the Great Flood of '93 and the Southern Florida Storms to house fires and gas leak evacuations; and

Whereas, through her self-sacrificing contributions, Henrietta Sisk has displayed the true spirit of volunteerism; and

Whereas, the Sertoma Clubs of Springfield have named Mrs. Sisk the recipient of their "Service to Mankind" Award for 1994 and will honor her with a banquet March 26 at which Paul F. McTighe Jr., President of Sertoma International, will be in attendance; and

Whereas, upon receiving this prestigious award, she enters into competition for the award of the Mid-Illinois District of Sertoma International, with the potential to move on to the regional and international divisions;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 26, 1994 as **HENRIETTA SISK DAY** in Illinois in honor of her true commitment to humanity.

Issued by the Governor March 23, 1994.
 Filed with the Secretary of State March 25, 1994.

94-096
LAKE AND WATERSHED MANAGEMENT MONTH

Whereas, Illinois' 3,000 lakes, 83,000 ponds, and their adjacent lands provide numerous recreational use opportunities such as fishing, hunting, boating, swimming, canoeing, sailing, picnicking, hiking, bird watching, and general aesthetic enjoyment; and

Whereas, these recreational activities conducted on or near Illinois lakes generate an estimated \$1.78 billion to the state's economy each year; and

Whereas, the majority of Illinois lakes assessed by the Illinois Environmental Protection Agency in 1994 exhibited impaired uses, primarily due to sedimentation, turbidity, excessive aquatic plant growth, degraded fisheries, and chemical contamination; and

Whereas, the quality and usability of Illinois lakes can most effectively be improved by implementation of comprehensive lake and watershed management strategies; and

Whereas, state soil conservation cost-share programs have enabled the completion of more than 7,400 projects that have prevented some 3 million tons of soil erosion from Illinois farmlands; and

Whereas, the State of Illinois enacted the Illinois Lake Management Program Act (ILMPA) and subsequently developed the ILMPA-Administrative Framework plan, which outlines a blueprint of enhanced educational and technical assistance, monitoring and research, and financial assistance programs targeted at comprehensive lake management;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 1994 as **LAKE AND WATERSHED MANAGEMENT MONTH** in Illinois to recognize the value of our water and soil resources, the need to protect and improve Illinois' lakes and ponds, and the excellent cooperation developed through Illinois' lake and watershed management programs.

Issued by the Governor March 23, 1994.
 Filed with the Secretary of State March 25, 1994.

94-097

MEDICAL LABORATORY WEEK

Whereas, professionals who practice in the medical laboratory, including pathologists, medical technologists, cytotechnologists, histotechnologists, medical laboratory technicians, histologic technicians, and phlebotomists, are invaluable members of a patient's health care team; and

Whereas, these well-educated and highly-trained professionals who perform and evaluate medical laboratory tests to detect, diagnose, monitor, and help prevent diseases, save countless lives each day; and

Whereas, their dedication to quality medical testing and exceptional patient care is demonstrated daily in hundreds of laboratories in Illinois; and

Whereas, laboratory medicine is a honorable profession and vital to sustaining a high standard of health care;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 10-16, 1994, as **MEDICAL LABORATORY WEEK** in Illinois.

Issued by the Governor March 23, 1994.

Filed with the Secretary of State March 25, 1994.

94-098

MOTORCYCLE AWARENESS MONTH

Whereas, Illinois is a national leader in motorcycle education; and

Whereas, the Illinois Department of Transportation has been conducting the Illinois Cycle Rider Safety Training Program since 1976; and

Whereas, the program is supported by state motorcycle registration fees and has been responsible for training more than 112,000 Illinois cyclists; and

Whereas, there is a need to increase public awareness of the presence of motorcyclists on our roadways;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 1994 as **MOTORCYCLE AWARENESS MONTH** in Illinois in recognition of efforts to improve motorcycle safety and the continuing leadership role our state has taken in promoting motorcycle safety training.

Issued by the Governor March 23, 1994.

Filed with the Secretary of State March 25, 1994.

94-099

"NURSES: THE HEART OF THE HEALTH CARE TEAM DAY"

Whereas, Chicago is recognized as a major resource for medical care, and its health care institutions are visited each year by people from around the world seeking advanced medical treatment; and

Whereas, registered nurses, licensed practical nurses, nursing directors, nursing managers, nurses aids, nursing assistants and all other members of the nursing team are an integral part of the health care team; and

Whereas, nurses contribute to the health and well-being of their communities through their work in hospitals, extended care facilities, home health and visiting nurse agencies, the military service, industrial and institutional settings and in private practice; and

Whereas, the more than 100 area hospital and health care organizations that comprise the Metropolitan Chicago Healthcare Council wish to express their thanks and appreciation to nurses for their commitment and their contributions to the health and welfare of the people of Chicago;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 5, 1994, as **"NURSES: THE HEART OF THE HEALTH CARE TEAM DAY"** in Chicago.

Issued by the Governor March 23, 1994.

Filed with the Secretary of State March 25, 1994.

94-100

PUBLIC HEALTH MONTH

Whereas, the improvement in the quality of life and health of our citizens depends on programs and services that emphasize the prevention of disease, disability, and dependence; and

Whereas, April has been designated as Public Health Month by the American Public Health Association and other distinguished state and national organizations; and

Whereas, the Illinois Public Health Association has established the theme "Common Ground: Working Together for Health Reform," to promote a climate of cooperation, collaboration, and consensus building among all community providers; and

Whereas, the observation will be used as a means to improve the general public's and health care professionals' understanding and appreciation for the essential role of public health and population-based programs have in supporting and enhancing the effectiveness of a reformed health care system; and

Whereas, the observation is a cooperative effort of the state and local health departments, academic institutions, allied organizations, community groups, and professional and trade associations which have joined together to promote a common interest in public health and population-focused, community-prevention approach to better health care; and

Whereas, the Illinois Public Health Association is a voluntary professional society whose members strive to protect and promote personal, community, and environmental health through organized activities in the areas of education, research, and health policy development;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 1994 as PUBLIC HEALTH MONTH in Illinois and urge citizens to take part in the events planned for this observance.

Issued by the Governor March 23, 1994.
Filed with the Secretary of State March 25, 1994.

94-101

RURAL ELECTRIC AND TELEPHONE YOUTH DAY

Whereas, for the past 35 years, the Electric Telephone Cooperatives of Illinois has sponsored a paid tour of Washington, DC, for approximately 75 outstanding Illinois high school students who are selected on the basis of essay and youth leadership contests sponsored by member cooperatives; and

Whereas, students from Illinois, along with nearly 1,500 contest winners from other states, will have an opportunity to witness their federal government in action during the "Youth to Washington" tour June 17-24, 1994; and

Whereas in an effort to provide a broader educational experience for more students throughout the state, the Electric and Telephone Cooperatives of Illinois will also sponsor a trip to our state capital April 13 for 250-300 contest finalists;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 13, 1994, as RURAL ELECTRIC AND TELEPHONE YOUTH DAY in Illinois.

Issued by the Governor March 23, 1994.

Filed with the Secretary of State March 25, 1994.

94-102

STUDENT-ATHLETE DAY

Whereas, student-athletes are a role model for our young people; and

Whereas, the past athletic successes of many of Illinois' business, governmental, and educational leaders dispel the perception that successful athletes are one-dimensional; and

Whereas, such worthy values and behaviors as perseverance, teamwork, self-discipline, commitment to a goal, and belief in racial equality are fostered and promoted by academic and athletic pursuits; and

Whereas, the overemphasis of victory in athletics among our nation's educational institutions can lead to exploitation and

abuse of the student-athlete; and

Whereas, less than one percent of our high school athletes participate in NCAA Division I collegiate athletics; and

Whereas, college student-athletes, in general, graduate at the same rate as other students; and

Whereas, thousands of America's youth sacrifice academic achievement to the dream of professional athletics; and

Whereas, only one in 10,000 high school student-athletes who dream of a career in professional sports ever realizes that aspiration, and even those who do can expect a professional career of less than four years; and

Whereas, coaches, parents, and educators of student-athletes must express high expectations for academic performance as well as for athletic performance;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 6, 1994, as STUDENT-ATHLETE DAY in Illinois with special emphasis being placed on the importance of "student" in the term "student-athlete."

Issued by the Governor March 23, 1994.

Filed with the Secretary of State March 25, 1994.

ACTION CODES

- A - Adopted Rule
 AR - Adopted Repealer
 P - Proposed Rule
 PF - Prohibited Filing Order by JCAR
 (Joint Committee on Rules)
 PP - Peremptory or Court Ordered Rules
 PR - Proposed Repealer
 R - Refusal to meet JCAR Objection
 RC - Statement of Recommendation
 S - Suspension ordered by JCAR
 W - Withdrawal to meet JCAR Objections
 O - JCAR Statement of Objections
 RQ - Request for Corrections
 EC - Expedited Corrections

ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-7017.

AGING, DEPARTMENT ON

- 89 Ill. Adm. Code 240 Community Care Program (P-14225/93;A-609) (E-5355) (P-5027)
 89 Ill. Adm. Code 260 Long-Term Care Insurance Partnership Demonstration Program (P-3802)

AGRICULTURE, DEPARTMENT OF

- 8 Ill. Adm. Code 110 Animal Diagnostic Act (P-14717/93;A-1825)
 8 Ill. Adm. Code 75 Bovine Brucellosis (P-14728/93;A-1833)
 8 Ill. Adm. Code 257 Cooperative Groundwater Protection Program (P-14288/93;A-205)
 8 Ill. Adm. Code 20 Definitions (P-14793/93;A-1844)
 8 Ill. Adm. Code 85 Diseased Animals (P-14747/93;A-1850)
 8 Ill. Adm. Code 116 Equine Infectious Anemia Control (P-14761/93;A-1861)
 68 Ill. Adm. Code 590 Feeder Swine Dealer Licensing (P-14765/93;A-1865)
 8 Ill. Adm. Code 270 Illinois State Fair and DuQuoin State Fair, Non-Fair Space Rental and the Fairgrounds (P-3164)

- 8 Ill. Adm. Code 40 Livestock Auction Markets (P-14769/93;A-1869)
 68 Ill. Adm. Code 610 Livestock Dealer Licensing (P-14775/93;A-1875)
 8 Ill. Adm. Code 125 Meat and Poultry Inspection Act (PP-304) (PP-2164) (PP-3809;A-4622)
 8 Ill. Adm. Code 105 Swine Disease Control and Endicitation Act (P-14781/93;A-1880)
 8 Ill. Adm. Code 600 Weights and Measures Act (E-4426)

ALCOHOLISM AND SUBSTANCE ABUSE, DEPARTMENT OF

- 77 Ill. Adm. Code 2090 Subacute Alcoholism and Substance Abuse Treatment Services (P-5029)

ATTORNEY GENERAL

- 14 Ill. Adm. Code 200 Franchise Disclosure Act (PP-2522)

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF

- 44 Ill. Adm. Code 5000 Acquisition, Management & Disposal of Real Property (P-15217/93;A-1886) (P-5057)
 80 Ill. Adm. Code 302 Merit & Fitness (P-14788/93;A-1892)
 80 Ill. Adm. Code 310 Pay Plan (P-13657/93;P-14314;A-227;A-1107) (P-21233/93;A-5146)
 80 Ill. Adm. Code 2650 Solicitation for Charitable Payroll Deductions (A-3115)

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF

- 89 Ill. Adm. Code 428 Department Advisory Council, Ill. Juvenile Commission & Other Statewide & Regional Committees (P-561)
 89 Ill. Adm. Code 406 Licensing Standards for Day Care Homes (P-2683) (P-11964/93;A-5531)
 89 Ill. Adm. Code 408 Licensing Standards for Group Day Care Homes (P-2700) (P-11976/93;A-5540)

CIVIL SERVICE SYSTEM, STATE UNIVERSITIES

- 80 Ill. Adm. Code 250 State Universities Civil Service System (P-18453/93;A-1901)

COMMERCE COMMISSION, ILLINOIS

- 92 Ill. Adm. Code 1376 Accounting & Financial Record Requirements (P-8630/93;A-1914)
 83 Ill. Adm. Code 792 Imputation (P-11988/93;A-1919)
 83 Ill. Adm. Code 590 Minimum Safety Standards for Transportation of Gas Pipeline Facilities (P-2720)
 83 Ill. Adm. Code 315 Pole Attachment Rates, Terms & Conditions Applicable to Cable Television Companies, Electric Utilities & Telecommunications Carriers (P-202/93;A-676;M-795)
 83 Ill. Adm. Code 280 Telecommunications Carriers (P-202/93;A-676;M-795)
 Procedures for Gas, Electric, Water & Sanitary Sewer Utilities Governing Eligibility for Service, Deposits, Payment Practices & Discontinuance of Service (P-918)
 83 Ill. Adm. Code 735 Procedures Governing the Establishment of Credit, Billing, Deposits, Termination of Service & Issuance of Telephone Directories for Telephone Utilities in the State of Illinois (P-927) (P-12483;A-4146)
 92 Ill. Adm. Code 1236 Reinstatement of Revoked Operating Authority (P-8635/93;A-1924)
 83 Ill. Adm. Code 285 Standard Information Requirements for Electric, Gas, Water & Sewer Utilities & Telecommunications Carriers in Filing for an Increase in Rate (P-2723)
 83 Ill. Adm. Code 425 Uniform Electric Fuel Adjustment (P-4483)
 92 Ill. Adm. Code 1375 Uniform System of Accounts (P-8635/93;A-1927)
 83 Ill. Adm. Code 415 Uniform System of Accounts for Electric Utilities (P-937) (P-4490)
 83 Ill. Adm. Code 505 Uniform System of Accounts for Gas Utilities (P-946)

COMMERCE AND COMMUNITY AFFAIRS, DEPARTMENT OF

- 47 Ill. Adm. Code 160 Emergency Shelter Grants Program (P-15747/93;A-5163)
 14 Ill. Adm. Code 520 Enterprise Zone Program (P-9791/93;A-5172)
 56 Ill. Adm. Code 2600 Service Delivery System & State Responsibilities (P-805)
 14 Ill. Adm. Code 545 Technology Advancement & Development Act Program (P-839)
 56 Ill. Adm. Code 2630 Uniform Fiscal & Administrative Standards for the Job Training Partnership Act (P-855)

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94-32 Post Anesthesia Nurses Awareness Week
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94-36 GPWC Waukegan Woman's Club Day
94-37 Manufacturing Week
94-38 Marketing Week
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94-41 Reading Is Fun Week
94-42 Tornado Preparedness Week
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Illinois State Journal

ILLINOIS REGISTER

Volume 18, Issue #14 SECTIONS AFFECTED INDEX April 8, 1994

This Sections Affected Index lists, by title, each Section of a Part on which Rule Making has occurred in this volume (calendar year) of the Illinois Register. The columns indicate the type of rulemaking activity and the action taken along with the page number on which the first page of the notice of rulemaking activity appeared. If a Section on which action is being taken in the current volume of the Register is proposed in a previous volume, the last two digits of the previous volume's year appear immediately after the page number separated by a slash. (e.g. 11 Ill. Adm. Code 465.05 was proposed last year and adopted this year. The action entry reads: (P-15655/93; A-4520). The codes are listed below.

TYPE OF RULE MAKING

am = amend to existing Section
cc = codification changes
n = New section
r = repeal of existing Section
re = reclassified
= renumbered

A = Adopted Rule
E = Emergency
P = Proposed Rule
PP = Peremptory
M = Modification
W = Withdrawal
CC = Codification Changes
RQ = Request for Correction

PF = Prohibited Filing
S = Suspension
O = JCAR Objection
F = Failure to Remedy Objections
Objecton
RC = Recommendations
EC = Expedited Correction
C = Correction

ACTION CODE

1994	220 Ex.J	am	(P-13307/93;A-4758)	250.300	am	(P-13257/93;A-4728)
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1501.501	em	3070.150	em	(P-19450/93.A-4981)	341.Tb.B	r	(P-13933/93.A-4196)	184.202	n	(P-4)	218.926	em	(P-12491/93.A-1945)
1501.503	em	3070.160	em	(P-19450/93.A-4981)	341.Tb.C	r	(P-13933/93.A-4196)	184.203	n	(P-4)	218.940	em	(P-12491/93.A-1945)
1501.505	em	3070.170	em	(P-19450/93.A-4981)	341.Tb.D	r	(P-13933/93.A-4196)	184.204	n	(P-4)	218.943	em	(P-12491/93.A-1945)
1501.507	em							184.205	n	(P-4)	218.946	em	(P-12491/93.A-1945)
1501.516	em							184.206	n	(P-4)	218.960	em	(P-12491/93.A-1945)
1501.607	em							184.207	n	(P-4)	218.963	r	(P-12491/93.A-1945)
1501.703	em							184.208	n	(P-4)	218.966	em	(P-12491/93.A-1945)
1501.301	em							184.209	n	(P-4)	218.968	em	(P-12491/93.A-1945)
1501.302	em							184.210	n	(P-4)	218.981	em	(P-12491/93.A-1945)
1501.501	em							184.211	n	(P-4)	218.988	em	(P-12491/93.A-1945)
2700.20	em							184.212	n	(P-4)	218.991	em	(P-12491/93.A-1945)
2700.30	em							184.213	n	(P-4)	303.400	em	(P-12491/93.A-1945)
2700.40	em							184.214	n	(P-4)	304.303	em	(P-12491/93.A-1945)
2700.50	em							184.215	n	(P-4)	372.110	n	(P-4524)
2720.6	em							184.216	n	(P-4)	372.110	n	(P-4524)
2720.20	em							184.217	n	(P-4)	372.110	n	(P-4524)
2720.30	em							184.218	n	(P-4)	372.110	n	(P-4524)
2720.40	em							184.219	n	(P-4)	372.110	n	(P-4524)
2720.50	em							184.220	n	(P-4)	372.110	n	(P-4524)
2720.6	em							184.221	n	(P-4)	372.110	n	(P-4524)
2720.70	em							184.222	n	(P-4)	372.110	n	(P-4524)
2720.80	em							184.223	n	(P-4)	372.110	n	(P-4524)
2720.90	em							184.224	n	(P-4)	372.110	n	(P-4524)
2730.5	em							184.225	n	(P-4)	372.110	n	(P-4524)
2730.6	em							184.226	n	(P-4)	372.110	n	(P-4524)
2730.70	em							184.227	n	(P-4)	372.110	n	(P-4524)
2730.80	em							184.228	n	(P-4)	372.110	n	(P-4524)
2730.90	em							184.229	n	(P-4)	372.110	n	(P-4524)
2731.0	em							184.230	n	(P-4)	372.110	n	(P-4524)
2731.10	em							184.231	n	(P-4)	372.110	n	(P-4524)
2731.20	em							184.232	n	(P-4)	372.110	n	(P-4524)
2731.30	em							184.233	n	(P-4)	372.110	n	(P-4524)
2731.40	em							184.234	n	(P-4)	372.110	n	(P-4524)
2731.50	em							184.235	n	(P-4)	372.110	n	(P-4524)
2731.60	em							184.236	n	(P-4)	372.110	n	(P-4524)
2731.70	em							184.237	n	(P-4)	372.110	n	(P-4524)
2731.80	em							184.238	n	(P-4)	372.110	n	(P-4524)
2731.90	em							184.239	n	(P-4)	372.110	n	(P-4524)
2732.0	em							184.240	n	(P-4)	372.110	n	(P-4524)
2732.10	em							184.241	n	(P-4)	372.110	n	(P-4524)
2732.20	em							184.242	n	(P-4)	372.110	n	(P-4524)
2732.30	em							184.243	n	(P-4)	372.110	n	(P-4524)
2732.40	em							184.244	n	(P-4)	372.110	n	(P-4524)
2732.50	em							184.245	n	(P-4)	372.110	n	(P-4524)
2732.60	em							184.246	n	(P-4)	372.110	n	(P-4524)
2732.70	em							184.247	n	(P-4)	372.110	n	(P-4524)
2732.80	em							184.248	n	(P-4)	372.110	n	(P-4524)
2732.90	em							184.249	n	(P-4)	372.110	n	(P-4524)
2733.0	em							184.250	n	(P-4)	372.110	n	(P-4524)
2733.10	em							184.251	n	(P-4)	372.110	n	(P-4524)
2733.20	em							184.252	n	(P-4)	372.110	n	(P-4524)
2733.30	em							184.253	n	(P-4)	372.110	n	(P-4524)
2733.40	em							184.254	n	(P-4)	372.110	n	(P-4524)
2733.50	em							184.255	n	(P-4)	372.110	n	(P-4524)
2733.60	em							184.256	n	(P-4)	372.110	n	(P-4524)
2733.70	em							184.257	n	(P-4)	372.110	n	(P-4524)
2733.80	em							184.258	n	(P-4)	372.110	n	(P-4524)
2733.90	em							184.259	n	(P-4)	372.110	n	(P-4524)
2734.0	em							184.260	n	(P-4)	372.110	n	(P-4524)
2734.10	em							184.261	n	(P-4)	372.110	n	(P-4524)
2734.20	em							184.262	n	(P-4)	372.110	n	(P-4524)
2734.30	em							184.263	n	(P-4)	372.110	n	(P-4524)
2734.40	em							184.264	n	(P-4)	372.110	n	(P-4524)
2734.50	em							184.265	n	(P-4)	372.110	n	(P-4524)
2734.60	em							184.266	n	(P-4)	372.110	n	(P-4524)
2734.70	em							184.267	n	(P-4)	372.110	n	(P-4524)
2734.80	em							184.268	n	(P-4)	372.110	n	(P-4524)
2734.90	em							184.269	n	(P-4)	372.110	n	(P-4524)
2735.0	em							184.270	n	(P-4)	372.110	n	(P-4524)
2735.10	em							184.271	n	(P-4)	372.110	n	(P-4524)
2735.20	em							184.272	n	(P-4)	372.110	n	(P-4524)
2735.30	em							184.273	n	(P-4)	372.110	n	(P-4524)
2735.40	em							184.274	n	(P-4)	372.110	n	(P-4524)
2735.50	em							184.275	n	(P-4)	372.110	n	(P-4524)
2735.60	em							184.276	n	(P-4)	372.110	n	(P-4524)
2735.70	em							184.277	n	(P-4)	372.110	n	(P-4524)
2735.80	em							184.278	n	(P-4)	372.110	n	(P-4524)
2735.90	em							184.279	n	(P-4)	372.110	n	(P-4524)
2736.0	em							184.280	n	(P-4)	372.110	n	(P-4524)
2736.10	em							184.281	n	(P-4)	372.110	n	(P-4524)
2736.20	em							184.282	n	(P-4)	372.110	n	(P-4524)
2736.30	em							184.283	n	(P-4)	372.110	n	(P-4524)
2736.40	em							184.284	n	(P-4)	372.110	n	(P-4524)
2736.50	em							184.285	n	(P-4)	372.110	n	(P-4524)
2736.60	em							184.286	n	(P-4)	372.110	n	(P-4524)
2736.70	em							184.287	n	(P-4)	372.110	n	(P-4524)
2736.80	em							184.288	n	(P-4)	372.110	n	(P-4524)
2736.90	em							184.289	n	(P-4)	372.110	n	(P-4524)
2737.0	em							184.290	n	(P-4)	372.110	n	(P-4524)
2737.10	em							184.291	n	(P-4)	372.110	n	(P-4524)
2737.20	em							184.292	n	(P-4)	372.110	n	(P-4524)
2737.30	em							184.293	n	(P-4)	372.110	n	(P-4524)
2737.40	em							184.294	n	(P-4)	372.110	n	(P-4524)
2737.50	em							184.295	n	(P-4)	372.110	n	(P-4524)
2737.60	em							184.296	n	(P-4)	372.110	n	(P-4524)
2737.70	em							184.297	n	(P-4)	372.110	n	(P-4524)
2737.80	em							184.298	n	(P-4)	372.110	n	(P-4524)
2737.90	em							184.299	n	(P-4)	372.110	n	(P-4524)
2738.0	em							184.300	n	(P-4)	372.110	n	(P-4524)
2738.10	em							184.301	n	(P-4)	372.110	n	(P-4524)
2738.20	em							184.302	n	(P-4)	372.110	n	(P-4524)
2738.30	em							184.303	n	(P-4)	372.110	n	(P-4524)
2738.40	em							184.304	n	(P-4)	372.110	n	(P-4524)
2738.50	em							184.305	n	(P-4)	372.110	n	(P-4524)
2738.60	em							184.306	n	(P-4)	372.110	n	(P-4524)
2738.70	em							184.307	n	(P-4)	372.110	n	(P-4524)
2738.80	em							184.308	n	(P-4)	372.110	n	(P-4524)
2738.90	em							184.309	n	(P-4)	372.110	n	(P-4524)
2739.0	em							184.310	n	(P-4)	372.110	n	(P-4524)
2739.10	em							184.311	n	(P-4)	372.110	n	(P-4524)
2739.20	em							184.312	n	(P-4)	372.110	n	(P-4524)
2739.30	em							184.313	n	(P-4)	372.110	n	(P-4524)
2739.40	em							184.314	n	(P-4)	372.110	n	(P-4524)
2739.50	em							184.315	n	(P-4)	372.110	n	(P-4524)
2739.60	em							184.316	n	(P-4)	372.110	n	(P-4524)
2739.70	em							184.317	n	(P-4)	372.110	n	(P-4524)
2739.80	em							184.318	n	(P-4)	372.110	n	(P-4524)
2739.90	em							184.319	n	(P-4)	372.110	n	(P-4524)
2740.0	em												

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